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COMMISSION ON HUMAN RIGHTS
Sub-Commission on Prevention of
Discrimination and Protection
of Minorities
Working Group on Contemporary
Forms of Slavery
Fifteenth session
30 July - 3 August 1990

PROVISIONAL AGENDA

1. Election of officers.

2. Adoption of the agenda.

3. Review of information received on the status and the implementation of conventions on slavery and slavery-like practices.

4. Main theme of the session: eradication of the exploitation of child labour and of debt bondage.

5. Review of developments in other fields of contemporary forms of slavery, including:

   (a) Slavery and the slave trade;

   (b) Sale of children;

   (c) Child prostitution and child pornography;

   (d) Prevention of traffic in persons and the exploitation of the prostitution of others;

   (e) Slavery-like practices of apartheid and colonialism.

6. Follow-up of recommendations adopted at previous sessions.

7. Adoption of the report of the Working Group to the Sub-Commission.

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COMMISSION ON HUMAN RIGHTS
Sub-Commission on Prevention of
Discrimination and Protection
of Minorities
Working Group on Contemporary Forms
of Slavery
Fifteenth session
30 July - 3 August 1990

ANNOTATIONS TO THE PROVISIONAL AGENDA

Prepared by the Secretary-General pursuant to paragraph 13 of resolution 1988/31 of the Sub-Commission

1. Election of officers

1. Rule 23 of the rules of procedure of the functional commissions of the Economic and Social Council provides that "unless the Commission decides otherwise, its subsidiary organs shall elect their own officers".

2. Adoption of the agenda

2. Rule 7 of the rules of procedure provides that the agenda shall be adopted at the beginning of each session, after the election of officers, on the basis of the provisional agenda. The provisional agenda for the present session of the Working Group on Contemporary Forms of Slavery is contained in document E/CN.4/Sub.2/AC.2/1990/1.

3. It may be noted that the Sub-Commission, by its resolution 1988/31, approved the programme of work of the Working Group for the period 1989-1991. This programme of work (contained in chapter VI of the report of the Working Group on its thirteenth session, E/CN.4/Sub.2/1988/32) included three main themes to be discussed in successive years: prevention of the sale of

children, of prostitution of children and of the use of children in pornography (1989); eradication of the exploitation of child labour and of debt bondage (1990); and prevention of traffic in persons and of the exploitation of the prostitution of others (1991). In addition, at each session, the Working Group will review information received on the status and the implementation of conventions on slavery and slavery-like practices, review developments in other fields of contemporary forms of slavery and consider the recommendations adopted at previous sessions.

3. Review of information received on the status and the implementation of conventions on slavery and slavery-like practices

4. By its resolution 1990/63 of 7 March 1990, the Commission on Human Rights requested the Secretary-General to invite States parties to the Slavery Convention of 1926, the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery of 1956 and the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others of 1949 to submit to the Sub-Commission regular reports on the situation in their countries, as provided for under the conventions and in Economic and Social Council decision 16 (LVI) of 17 May 1974. The Commission invited those eligible States that have not ratified the relevant conventions to consider doing so as soon as possible, or to explain in writing why they feel unable to do so, and invited them to consider providing information regarding their national legislation and practices in this field.

5. Information relating to the status of the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery and of the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others is contained in two notes by the Secretary-General (E/CN.4/Sub.2/AC.2/1990/2 and E/CN.4/Sub.2/AC.2/1990/3).

6. In its resolution 1989/74, the Economic and Social Council reminded States parties to slavery conventions of their obligation to submit to the Working Group on Contemporary Forms of Slavery of the Sub-Commission on Prevention of Slavery and Discrimination and Protection of Minorities regular reports on the situation in their countries, as provided for under the relevant conventions and under Economic and Social Council decision 16 (LVI).

7. Information received from States upon their compliance with the provisions of the conventions is contained in document E/CN.4/Sub.2/AC.2/1990/4.

8. Upon the recommendation of the Sub-Commission, the Commission on Human Rights, in its resolution 1989/35, requested the Secretary-General to undertake a study of the ways and means by which an effective mechanism may be established for the implementation of the Slavery Convention of 1926, the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery of 1956 and the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others of 1949. The Working Group at its fourteenth session had before it the study prepared by the Secretary-General on this question (E/CN.4/Sub.2/1989/37).

9. In its resolution 1990/63, the Commission on Human Rights welcomed the study prepared by the Secretary-General on ways and means for establishing an effective mechanism for the implementation of the Slavery Conventions (E/CN.4/Sub.2/1989/37) and encouraged the Sub-Commission, including its Working Group, to continue its debate on this study and to elaborate recommendations on this issue at its forty-second session. The study is therefore available for discussion by the Working Group at its present session.

4. Main theme of the session: Eradication of the exploitation of child labour, and of debt bondage

(a) Exploitation of child labour

10. The Sub-Commission, in its resolution 6 B (XXXI) of 13 September 1978, decided to put the subject of the exploitation of child labour on the agenda of its thirty-second session in 1979, the International Year of the Child. In the same resolution, the Sub-Commission requested the Secretary-General to co-operate with the United Nations agencies concerned with the question of the exploitation of child labour through the exchange of information, the preparation of joint studies and similar activities. In its resolution 7 B (XXXII) of 5 September 1979, the Sub-Commission decided to review the question of the exploitation of child labour annually and requested all bodies of the United Nations system to co-operate in eliminating the exploitation of child labour and, in particular, requested (a) ILO to increase its research activities; (b) FAO to consider the possibility of undertaking a study of child labour in agriculture and developing appropriate programmes of assistance; (c) UNICEF to provide information on the sale of children as it relates to the exploitation of child labour; (d) UNESCO to provide assistance to countries in developing educational systems adapted to the specific needs of working children; (e) WHO to study the effects of work on the health of children; (f) UNU to promote in-depth studies of the underlying economic and social causes, conditions and implications of child labour.

11. Upon the recommendation of the Sub-Commission, the Commission on Human Rights, by its resolution 17 (XXXVI) of 29 February 1980, recommended to the Economic and Social Council that it authorize the Sub-Commission to entrust Mr. Abdelwahab Bouhdiba as Special Rapporteur with the preparation of a report on the exploitation of child labour. The Council endorsed this recommendation by its decision 1980/125.

12. Having received the study prepared by Mr. A. Bouhdiba on the exploitation of child labour (E/CN.4/Sub.2/479/Rev.1), the Commission on Human Rights, in its resolution 1982/21, invited the Sub-Commission to present to the Council, through the Commission, a concrete programme of action to combat violations of human rights through the exploitation of child labour. The note by the Special Rapporteur setting out his proposed programme of action (E/CN.4/Sub.2/1982/29) had been received by the Sub-Commission at its thirty-fifth session and submitted to the Commission on Human Rights for its consideration.

13. By its resolution 1984/28, the Economic and Social Council endorsed the recommendation of the Commission on Human Rights (resolution 1984/35) to organize, in close co-operation with the International Labour Office, a seminar on ways and means of achieving the elimination of the exploitation of

child labour in all parts of the world, within the framework of the programme of advisory services in the field of human rights. The report of the seminar which was held in Geneva from 28 October to 8 November 1985, is contained in document ST/HR/SER.A/18.

14. On the recommendation of the Sub-Commission, the Commission, in its resolution 1986/34, recommended that in all societies appropriate employment legislation be adopted, education facilities be made available at the place of work or elsewhere, and a legal minimum age and minimum wage for children be introduced, and that all competent national authorities should ensure that no children under the minimum age established by law are employed, either directly or through local subcontractors. The Commission further recommended that all competent United Nations agencies, development banks and intergovernmental bodies involved in development projects should encourage policies and measures to protect the human rights of children against abusive labour.

15. The Sub-Commission, in its resolution 1988/31, recommended that the United Nations agencies dedicated to child welfare, particularly the United Nations Children's Fund and the International Labour Organisation, study the problem of child labour with a view to assisting those countries in which it exists to eradicate it. It further recommended that all competent United Nations agencies, development banks and intergovernmental bodies involved in development projects ensure that no child be employed either directly or through local subcontractors.

(b) Debt bondage

16. The Sub-Commission, in its resolution 6 B (XXXI) of 13 September 1978, requested the Secretary-General to undertake, together with the specialized agency concerned, an in-depth, world-wide study of debt bondage, taking into account all the relevant economic, social and legal aspects and the interconnections with other slavery-like practices, and for this purpose to make use of any information from reliable sources made available to him. The Sub-Commission invited the International Labour Organisation, the Food and Agriculture Organization of the United Nations, the World Food Programme and the United Nations University to look into the possibility of taking account of debt bondage in their rural development projects and to consider the desirability of specific action to combat it, as well as to inform the Working Group of any activities undertaken in this area.

17. By its resolution 8 (XXXIII) of 10 September 1980, the Sub-Commission invited the Secretariat to give priority to the study of debt bondage requested in Sub-Commission resolution 6 B (XXXI). It requested the Secretariat to examine the possibility of organizing a round-table or symposium on debt bondage, with the participation of experts, the specialized agencies and all concerned parts of the United Nations system, as part of its advisory services programme, in order that the problem may be studied in depth.

18. By its resolution 1982/15, the Sub-Commission urged that the study on debt bondage called for by the Sub-Commission in its resolution 6 B (XXXI) of 13 September 1978 and 8 (XXXIII) of 10 September 1980 should be undertaken without further delay and that the author should be requested to recommend the steps necessary for total reform within a realistic, but limited, period of time.

19. The Commission on Human Rights, by its resolution 1985/25, requested the Sub-Commission to consider undertaking, at the appropriate time, the study on debt bondage, as recommended on previous occasions. In its resolution 1986/34, the Commission on Human Rights considered that in the light of the work of the Sub-Commission and its Working Group on Slavery, several issues including debt bondage had not received sufficient attention.

20. The Sub-Commission, in its resolution 1988/31, recommended that all competent United Nations agencies, development banks and intergovernmental bodies involved in development projects ensure that their projects do not perpetuate or involve bonded labour, and that they contribute to its elimination. The Sub-Commission further recommended that Member States, where the phenomenon of bonded labour exists, be urged to take effective means, especially at the implementation level, to curtail bonded labour, for example:

(a) By seeking and encouraging the involvement of non-governmental organizations;

(b) By effective dissemination of national legislation on labour rights and on the prohibition of bonded labour particularly directed towards victims of bonded labour;

(c) By setting up vigilance committees under the law;

(d) By invoking to the fullest extent the constraining power of the law against the violators.

21. Information on child labour and on debt bondage received from Governments, United Nations organs, specialized agencies, intergovernmental and non-governmental organizations is included in documents E/CN.4/Sub.2/AC.2/1990/4 and E/CN.4/Sub.2/AC.2/1990/5.

5. Review of developments in other fields of contemporary forms of slavery

22. By its resolution 13 (XXIII) of 21 March 1967, the Commission on Human Rights requested the Sub-Commission to undertake regular consideration of the question of slavery in all its forms, including the slavery-like practices of apartheid and colonialism.

23. In its resolution 7 (XXVI) of 19 September 1973, the Sub-Commission recommended that it should be authorized to appoint a group of five from among its membership to meet prior to each session of the Sub-Commission to review developments in the field of slavery and the slave trade in all their practices and manifestations, and to consider and examine any information from credible sources on the subject with a view to recommending remedial action. This recommendation was endorsed by the Commission on Human Rights and by the Economic and Social Council in its decision 16 (LVI) of 17 May 1974, which contains the mandate of the Working Group. The Working Group held its first session in 1975 and has since held fourteen sessions.

24. In its resolution 1695 (LII) of 2 June 1972, the Economic and Social Council invited the International Criminal Police Organization (INTERPOL) to co-operate, within the limits established by its constitution and in

accordance with the special arrangement between the United Nations and that organization, approved by the Council in its resolution 1579 (L) of 20 May 1971, with the United Nations in its efforts to eliminate slavery, the slave trade, and institutions and practices similar to slavery, and in particular to forward to the Secretary-General annually any information at its disposal with regard to the international traffic in persons, including reports on the subject received from its national central bureaux.

25. By its resolution 1990/63, the Commission on Human Rights invited intergovernmental organizations, relevant organizations of the United Nations system, including the International Labour Organisation, the World Health Organization, the World Bank, the International Monetary Fund, the Food and Agriculture Organization of the United Nations, the United Nations Educational, Scientific and Cultural Organization, the United Nations Development Programme, the United Nations Children's Fund and the United Nations University, the International Criminal Police Organization and non-governmental organizations concerned to continue to supply relevant information to the Working Group.

26. At its fifteenth session, the Working Group will have before it:

(a) Information submitted by Governments, United Nations organs, specialized agencies and intergovernmental organizations (E/CN.4/Sub.2/AC.2/1990/5);

(b) Information submitted by the Criminal Police Organization (INTERPOL) (E/CN.4/Sub.2/AC.2/1990/7);

(c) Information received from non-governmental organizations (E/CN.4/Sub.2/AC.2/1990/6).

(a) Slavery and the slave trade

27. The General Assembly, by its resolution 228 (III) of 13 May 1949, requested the Economic and Social Council to study the question of slavery. Since that time, a number of reports and studies on the subject have been prepared, including surveys on slavery prepared by the Ad Hoc Committee on Slavery (E/1988) and by the Secretary-General (E/2540 and Add.1-4), reports by Mr. Hans Engen (E/2673 and Add.1-6), by Mr. Mohamed Awad (E/4168/Rev.1 and E/CN.4/Sub.2/322) and by Mr. Benjamin Whitaker (E/CN.4/Sub.2/1982/20/Rev.1).

28. In its resolution 1982/20, the Commission on Human Rights decided, pursuant to an invitation by the Government of Mauritania, to authorize the Sub-Commission on Prevention of Discrimination and Protection of Minorities to send a delegation not exceeding two persons, to be appointed by the Chairman of the Sub-Commission in consultation with the Government of Mauritania, to visit Mauritania in order to study the situation and ascertain the country's needs. The reports of Mr. Bossuyt, who was thus appointed to visit Mauritania, are contained in documents E/CN.4/Sub.2/1984/23, E/CN.4/Sub.2/1985/26 and E/CN.4/Sub.2/1987/27.

(b) Sale of children

29. In its resolution 1982/15, the Sub-Commission, having examined a relevant recommendation of the Working Group on Slavery, considered that a report on the causes and implications of the sale of children, including commercially

motivated (and especially transnational) adoptions, should be prepared. By its resolution 1983/30 of 26 May 1983, the Economic and Social Council requested the Centre for Human Rights to prepare, in liaison with the United Nations agencies and organs concerned and with the competent non-governmental organizations, a study on the sale of children and to submit it as soon as possible to the Sub-Commission.

30. Two reports and a note on this subject have been prepared by the Secretary-General and submitted to the Sub-Commission (E/CN.4/Sub.2/1987/28, E/CN.4/Sub.2/1988/30 and E/CN.4/Sub.2/1989/38).

31. Upon the recommendation of the Working Group on Contemporary Forms of Slavery which had considered the question of prevention of sale of children, of child prostitution and of child pornography as the main theme of its fourteenth session in 1989, the Sub-Commission, in its resolution 1989/41, requested the Secretary-General to submit to the Sub-Commission, at its forty-second session, a report on the adoption of children for commercial purposes and on the recruitment of children into government and non-governmental armed forces and their participation in hostilities, taking into account the comments of Governments, and further information received by him.

32. Upon the recommendation of the Sub-Commission (resolution 1989/42), the Commission on Human Rights, in its resolution 1990/68, decided to appoint for a period of one year a Special Rapporteur to consider matters relating to the sale of children, child prostitution and child pornography, including the problem of the adoption of children for commercial purposes. The Commission requested the Special Rapporteur to submit a comprehensive report to the Commission at its forty-seventh session on his activities relating to these matters, including the frequency and extent of such practices, as well as his conclusions and recommendations.

33. By its resolution 1989/43, the Sub-Commission endorsed the draft programme of action for prevention of sale of children, child prostitution and child pornography prepared by its Working Group on Contemporary Forms of Slavery, the text of which is found in the report of the Working Group on its fourteenth session (E/CN.4/Sub.2/1989/39). Upon the recommendation of the Sub-Commission, the Commission on Human Rights, in its resolution 1990/67, decided to transmit to Governments, specialized agencies and other intergovernmental organizations as well as non-governmental organizations, the draft programme of action for their comments and requested the Secretary-General to submit to the Commission at its forty-seventh session an analytical summary of the responses received.

(c) Child prostitution and child pornography

34. Upon the recommendation of the Sub-Commission (resolution 1985/23), the Commission on Human Rights, in its resolution 1986/34, recommended that special attention should be devoted to the problem of child prostitution in all its forms.

35. By its resolution 1988/42, the Commission on Human Rights invited the Sub-Commission and its Working Group to draw up a plan of action on its future work regarding the elimination of contemporary forms of slavery, including the

traffic in persons and the exploitation of the prostitution of others, and paying particular attention to the prevention of child prostitution and child pornography.

36. The Economic and Social Council, in its resolution 1988/34, endorsed the recommendations of the Sub-Commission (resolution 1987/32) and the Commission on Human Rights (resolution 1988/42) and invited all Member States to draw up a special programme for the prevention of child prostitution, the suppression of its exploitation and the social rehabilitation of its victims.

37. The Sub-Commission, in its resolution 1988/31, emphasized the importance of informing and educating children on the dangers of child prostitution and child pornography and appealed to relevant international institutions to promote this sort of information and education. On the recommendation of the Sub-Commission, the Commission on Human Rights, in its resolution 1989/35, urged Member States to enact legislation, where they have not yet done so, making it a crime to produce, distribute or possess pornographic material involving children.

38. For action taken on this subject by the Sub-Commission at its forty-first session in 1989 and by the Commission on Human Rights at its forty-sixth session in 1990, see paragraphs 32 and 33 above.

(d) Prevention of traffic in persons and the exploitation of the prostitution of others

39. In its resolution 6 B (XXXI) of 13 September 1978, the Sub-Commission requested the Working Group to follow with interest and to co-operate in the studies on the traffic in persons and on the exploitation of prostitution undertaken by the relevant United Nations organs pursuant to resolution 1 (XXVII) of the Commission on the Status of Women.

40. By its resolution 1980/4, the Economic and Social Council requested the Secretary-General to prepare a report on the application of the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, emphasizing in particular the causes and socio-economic conditions which encourage the development of prostitution. By its resolution 1981/40, the Council requested the Secretary-General to undertake an inquiry among the Governments of Member States and the international organizations concerned on the status of the question and to report thereon to the General Assembly at its thirty-seventh session, so that, with full knowledge of the facts, joint measures can be envisaged to put an end to this form of slavery. A report containing all information available to the Secretary-General on the traffic in persons and the exploitation of the prostitution of others (E/CN.4/Sub.2/AC.2/1982/13 and Add.1) was transmitted to the Working Group on Slavery at its eighth session, in 1982. The document was subsequently submitted to the General Assembly at its thirty-seventh session.

41. By its resolution 1982/20, the Economic and Social Council requested the Secretary-General to appoint a special rapporteur to make a synthesis of the surveys and studies on the traffic in persons and the exploitation of the prostitution of others that have been or are being carried out within the agencies in the United Nations system or outside the system, and to propose

appropriate measures to prevent and suppress those practices that are contrary to the fundamental rights of human beings. The Special Rapporteur, Mr. J. Fernand-Laurent, submitted his report on the suppression of the traffic in persons and the exploitation of the prostitution of others (E/1983/7 and Corr. 1 and 2) to the Economic and Social Council in 1983.

42. The Council, by its resolution 1983/30, recommended that Member States should take account of the report of the Special Rapporteur and draw up, subject to their constitutions and legislation and in consultation with the parties concerned, policies aimed, to the extent possible, at:

(a) Preventing prostitution by moral education and civics training, in and out of school;

(b) Increasing the number of women among the State's personnel having direct contact with the populations concerned;

(c) Eliminating discrimination that ostracizes prostitutes and makes their reabsorption into society more difficult;

(d) Curbing the pornography industry and the trade in pornography and penalizing them very severely when minors are involved;

(e) Punishing all forms of procuring in such a way as to deter it, particularly when it exploits minors;

(f) Facilitating occupational training for and the reabsorption into society of persons rescued from prostitution.

The Council further invited Member States to co-operate closely with one another in the research for missing persons and in the identification of international networks of procurers and, if they are members of the International Criminal Police Organization, to co-operate with that organization, requesting it to make the suppression of the traffic in persons one of its priorities. The Council invited the regional commissions to help Member States and United Nations bodies wishing to organize regional expert meetings, seminars or symposia on the traffic in persons.

43. By the same resolution, the Council requested the Centre for Human Rights to prepare, in liaison with the United Nations agencies and organs concerned and with the competent non-governmental organizations, a study on the legal and social problems of sexual minorities and to submit it as soon as possible, to the Sub-Commission. In accordance with Sub-Commission resolution 1987/31, the study on this question prepared by Mr. J. Fernand-Laurent at the invitation of the Secretary-General, was made available to the Sub-Commission at its fortieth session (E/CN.4/Sub.2/1988/31).

44. The General Assembly of the United Nations, by its resolution 38/107 of 16 December 1983, urged Member States to take all appropriate humane measures, including legislation, to combat prostitution, exploitation of the prostitution of others and all forms of traffic in persons. The Assembly appealed to Member States to provide special protection to victims of prostitution through measures including education, social guarantees, employment opportunities for those victims with a view to their

rehabilitation. It requested the Economic and Social Council, the Commission on Human Rights, the Commission on the Status of Women, the regional commissions and other concerned bodies of the United Nations system to devote greater attention to the problem of prostitution and the means for its prevention.

45. By its resolution 1985/25, the Commission on Human Rights recommended that the struggle against procuring be intensified at the national level and, further, that international measures be adopted with the twofold purpose of dismantling the networks which feed prostitution and repatriating the victims of these networks, as well as extending assistance to them. The Commission further recommended that all States concerned should adopt and implement such social and legal measures as are necessary to ensure the orderly and effective reinsertion into society of the victims of prostitution.

46. The Sub-Commission, in its resolution 1988/31, encouraged United Nations institutions, in particular the United Nations Educational, Scientific and Cultural Organization, to examine the possibility of organizing expert meetings on the international standards regarding the prevention of traffic in persons and exploitation of the prostitution of others. The Sub-Commission requested the Secretary-General to invite the Branch for the Advancement of Women at the United Nations Office in Vienna to send information, contained in the State reports submitted under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women, which refers to prostitution under article 6 of that Convention, to the Working Group. At its fourteenth session, in 1989, the Working Group had before it the information submitted by the Division for the Advancement of Women (E/CN.4/Sub.2/AC.2/1989/6).

47. The Commission on Human Rights, by its resolutions 1989/35 and 1990/63, invited all Member States to consider the possibility of taking appropriate action for the protection of migrant women against exploitation by prostitution and other slavery-like practices, including the possibility of establishing national bodies to achieve these objectives. The Commission requested Governments to pursue a policy of information, prevention and rehabilitation of women victims of the exploitation of prostitution and to take the appropriate economic and social measures deemed necessary to that effect.

48. By its resolution 1989/74, the Economic and Social Council endorsed the requests of the Commission on Human Rights to the Secretary-General to report on the steps taken by Member States, United Nations organizations and other intergovernmental organizations to implement the recommendations in Council resolution 1983/30, and on the comments received, to the Council at its first regular session of 1990. The Commission on Human Rights, in its resolution 1990/63, requested the Secretary-General to make this report available to the Working Group on Contemporary Forms of Slavery. The Working Group will therefore have before it the report of the Secretary-General (E/1990/33) on the implementation of Council resolution 1983/30.

(e) Slavery-like practices of apartheid and colonialism

49. By its resolution 6 B (XXXI) of 13 September 1978, the Sub-Commission requested the Secretary-General to carry out, as a matter of priority, a study of apartheid and colonialism as collective forms of slavery.

50. At its thirty-third session, the Sub-Commission had before it the report of the Secretary-General entitled "Apartheid as a collective form of slavery" (E/CN.4/Sub.2/449). In its resolution 8 (XXXIII) of 10 September 1980, the Sub-Commission strongly expressed its conviction that military, economic and other forms of collaboration with South Africa contribute to perpetuation of the slavery-like practice of apartheid, and expressed its support for wide and effective sanctions against the apartheid régime.

51. The Commission on Human Rights, in its resolutions 1982/20 and 1984/40, recognized that apartheid is a slavery-like practice and endorsed the call for mandatory economic sanctions against South Africa, and appealed to States Members of the Security Council to support proposals to this effect.

6. Follow-up of recommendations adopted at previous sessions

52. On the recommendation of the Working Group, the Sub-Commission, in its resolution 1987/32, requested the Secretary-General to prepare a survey of all recommendations made by the Working Group since its inception. At its fortieth session, the Sub-Commission had before it the report of the Secretary-General containing such a survey (E/CN.4/Sub.2/1988/29).

53. By its resolution 1988/34, the Economic and Social Council endorsed the recommendation made by the Commission on Human Rights in its resolution 1988/42 that the Sub-Commission on Prevention of Discrimination and Protection of Minorities consider appointing a special rapporteur to review the implementation of the recommendations made and the appropriate measures taken by United Nations organs and specialized agencies, other international organizations and Member States and to submit recommendations with a view to achieving further progress in the prevention and suppression of slavery-like practices, the traffic in persons and the exploitation of the prostitution of others, as well as other contemporary forms of slavery.

54. The Chairman of the fourteenth session of the Working Group referred briefly to the follow-up of the recommendations adopted at the previous session of the Working Group and contained in document E/CN.4/Sub.2/1988/32 (see paras. 104 to 114 of the report of the Working Group on its fourteenth session, E/CN.4/Sub.2/1989/39).

7. Adoption of the report of the Working Group to the Sub-Commission

55. Under rule 37 of the rules of procedure, the Working Group is to report to the Sub-Commission on the work of its session.

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Fifteenth session
30 July - 3 August 1990
Item 3 of the provisional agenda

REVIEW OF INFORMATION RECEIVED ON THE STATUS AND THE IMPLEMENTATION OF CONVENTIONS ON SLAVERY AND SLAVERY-LIKE PRACTICES

Status of the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery

Note by the Secretary-General

1. Up to 1 May 1990, the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery had been ratified or acceded to by the following 106 States: Afghanistan, Albania, Algeria, Antigua and Barbuda, Argentina, Australia, Austria, Bahamas, Bahrain, Bangladesh, Barbados, Belgium, Bolivia, Brazil, Bulgaria, Byelorussian Soviet Socialist Republic, Cambodia, Cameroon, Canada, Central African Republic, Congo, Côte d'Ivoire, Cuba, Cyprus, Czech and Slovak Federal Republic, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, Ethiopia, Fiji, Finland, France, German Democratic Republic, Germany, Federal Republic of, Ghana, Greece, Guatemala, Guinea, Haiti, Hungary, Iceland, India, Iran (Islamic Republic of), Iraq, Ireland, Israel, Italy, Jamaica, Jordan, Kuwait, Lao People's Democratic Republic, Lesotho, Libyan Arab Jamahiriya, Luxembourg, Madagascar, Malawi, Malaysia, Mali, Malta, Mauritania, Mauritius,

Mexico, Mongolia, Morocco, Nepal, Netherlands, New Zealand, Nicarqua, Niger, Nigeria, Norway, Pakistan, Philippines, Poland, Portuqal, Romania, Saint Lucia, Saint Vincent and the Grenadines, San Marino, Saudi Arabia, Seneqal, Sierra Leone, Singapore, Solomon Islands, Spain, Sri Lanka, Sudan, Suriname, Sweden, Switzerland, Syrian Arab Republic, Toqo, Trinidad and Tobaqo, Tunisia, Turkey, Uqanda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Kinqdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Yuqoslavia, Zaire, Zambia.

2. The Supplementary Convention had been signed by El Salvador, Liberia and Peru.

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Status of the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others

Note by the Secretary-General

1. Up to 1 May 1990, the Convention had been ratified or acceded to by the following 60 States: Afghanistan, Albania, Algeria, Argentina, Bangladesh, Belgium, Bolivia, Brazil, Bulgaria, Burkina Faso, Byelorussian Soviet Socialist Republic, Cameroon, Central African Republic, Congo, Cuba, Cyprus, Czech and Slovak Federal Republic, Djibouti, Ecuador, Egypt, Ethiopia, Finland, France, German Democratic Republic, Guinea, Haiti, Hungary, India, Iraq, Israel, Italy, Japan, Jordan, Kuwait, Lao People's Democratic Republic, Libyan Arab Jamahiriya, Luxembourg, Malawi, Mali, Mauritania, Mexico, Morocco, Niger, Norway, Pakistan, Philippines, Poland, Republic of Korea, Romania, Senegal, Singapore, South Africa, Spain, Sri Lanka, Syrian Arab Republic, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Venezuela, Yemen and Yugoslavia.

2. The Convention had been signed by Myanmar, Denmark, Honduras, Iran (Islamic Republic of) and Liberia.

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COMMISSION ON HUMAN RIGHTS
Sub-Commission on Prevention of
Discrimination and Protection
of Minorities
Working Group on Contemporary
Forms of Slavery
Fifteenth session
30 July - 3 August 1990
Item 3 of the provisional agenda

REVIEW OF INFORMATION RECEIVED ON THE STATUS AND THE IMPLEMENTATION OF CONVENTIONS ON SLAVERY AND SLAVERY-LIKE PRACTICES

Information received from States concerning the Slavery Convention, the Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery, and the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others

Note by the Secretary-General

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I. Introduction

1. In paragraph 1 of its resolution 1989/74 of 24 May 1989, entitled "Working Group on Contemporary Forms of Slavery of the Sub-Commission on Prevention of Discrimination and Protection of Minorities", the Economic and Social Council reminded States parties to the Slavery Convention of 1926, the Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery of 1956, and the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others of 1949 of their obligation to submit to the Working Group on Contemporary Forms of Slavery of the Sub-Commission on Prevention of Discrimination and Protection of Minorities regular reports on the situation in their countries, as provided for under the relevant conventions and under Economic and Social Council decision 16 (LVI). Pursuant to that resolution, a note verbale dated 3 November 1989 was sent to the States parties to above-mentioned conventions.

2. By 15 May 1990, the Governments of Algeria, Bahamas, Canada, Czechoslovakia, Denmark, Mexico, Netherlands and Saudi Arabia had submitted their communications. A summary of substantial replies is reproduced below. */ Also reproduced are communications submitted last year by Canada, Democratic Yemen, Greece, Uruguay and Venezuela pursuant to resolution 1989/35 of the Commission on Human Rights which, due to their late arrival, had not been included in the documents prepared for the fourteenth session of the Working Group on Contemporary Forms of Slavery.

3. Additional replies, if any, will be published in addenda to this document.

II. Information received from States

ALGERIA

[16 January 1990]
[Original: French]

1. Algeria is a party to the Slavery Convention of 1926, the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices similar to Slavery, the International Convention of 11 October 1933 for the Suppression of the Traffic in Women of Full Age, as amended in 1947, the 1949 Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, and the International Convention of 1910 for the Suppression of the White Slave Traffic, as amended in 1949.

2. Algeria has ratified the International Convention on the Elimination of All Forms of Racial Discrimination, the International Convention on the Suppression and Punishment of the Crime of Apartheid, and the International Convention against Apartheid in Sports.

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*/ The full texts of the replies are available for consultation in the Secretariat files.

3. In 1987, it ratified the African Charter on Human and Peoples' Rights. Article 2 of the Charter stipulates that every individual shall be entitled to the enjoyment of the rights and freedoms recognized and guaranteed in the Charter without distinction of any kind such as race, ethnic group, colour, sex, language, religion, political or any other opinion, national and social origin, fortune, birth or other status. Article 3 of the Charter states that every individual shall be equal before the law and that every individual shall be entitled to equal protection of the law. Article 5 prescribes that every individual shall have the right to the respect of the dignity inherent in a human being and to the recognition of his legal status. All forms of exploitation and degradation of man particularly slavery, slave trade, torture, cruel, inhuman or degrading punishment and treatment shall be prohibited. Article 6 of the African Charter provides that every individual shall have the right to liberty and to the security of his person. No one may be deprived of his freedom except for reasons and conditions previously laid down by law. In particular, no one may be arbitrarily arrested or detained.

4. Algeria is also a party to the International Covenant on Civil and Political Rights which it ratified in 1989, article 8 of which prohibits situations of slavery.

5. Apart from these conventions which now form an integral part of Algerian positive law, the Legislature has adopted a series of measures aimed at ensuring respect for the rights and freedoms of the human person in accordance with these international standards. Slavery does not exist in Algeria.

6. On 23 February 1989, Algeria adopted a new Constitution which strengthens all the provisions relating to the rights and freedoms of man and the citizen. Chapter IV devotes 56 articles to the rights and freedoms of the citizen. Article 8, paragraph 4, of the Constitution specifies that the people shall establish institutions for the purpose of protecting the fundamental freedoms of the citizen. Article 28 stipulates that citizens are equal before the law and are not subject to any discrimination based on birth, race, sex, opinion or any other personal or social condition or circumstance. Article 30 states that the purpose of the institutions is to ensure equal rights and duties for all citizens by removing the obstacles that impede the fulfilment of the human person and prevent the effective participation of all in political, economic, social and cultural life. Article 31 stipulates that the fundamental freedoms and rights of man and the citizen are guaranteed. They constitute the common heritage of all Algerian men and women which they have a duty to transmit from generation to generation in order to preserve its integrity and inviolability. Moreover, article 32 states that the individual or associated defence of fundamental human rights and individual or collective freedoms is guaranteed. Lastly, article 34 stipulates that offences committed against rights and freedoms as well as physical or moral offences against the integrity of the human person are punishable by law.

7. The Algerian Criminal Code devotes special attention, particularly in articles 291, 292, 293, 294 and 295, to the punishment of any act aimed at infringing the individual freedom of citizens. Articles 264 to 283 provide for a series of measures designed to prevent crimes and offences involving the use of wilful violence against persons and violence causing actual bodily harm. Articles 321 and 326 to 330 are particularly intended for the protection of minors.

8. With regard to the suppression of the traffic in persons and of the exploitation of prostitution, Algerian legislation contains a series of measures aimed at eradicating these social evils completely by acting not only on their causes but also on their effects. In article 55, the Constitution states that the family shall enjoy the protection of the State and society. Algerian criminal law gives special attention to the suppression of the traffic in persons and of the exploitation of prostitution. Thus, article 57, paragraph 3, of the Criminal Code of 8 January 1966 contains the following provision: "For the purposes of determining whether the repetition of an offence has occurred, the following offences shall be considered as constituting the same offence: indecent assault without violence, indecent exposure, habitual incitement to vice, and assistance in the prostitution of others." Articles 342 to 349 deal with the punishment of incitement of minors to vice, soliciting and the incitement of others to prostitution. Algerian civil law provides clearly in article 96 of the Civil Code that "a contract is void if its object is contrary to public order or morality" and in article 97 that "a contract is void if entered into without consideration or for a consideration contrary to public order or morality".

9. Information concerning specific measures on the rehabilitation of victims of the exploitation of prostitution is given in the report by Algeria contained in document E/CN.4/Sub.2/AC.2/1988/4.

BAHAMAS

[11 January 1990]
[Original: English]

1. The Constitution of the Bahamas provides protection for children against ill-treatment and neglect. As regards pornographic materials involving children, there is no specific enactment prohibiting the production, distribution or possession of such material. The Children and Young Persons (Administration of Justice) Act (chapter 90) */ imposes penalties and gives the court certain powers where children are found to be ill-treated and neglected (part V, section 57 (1)). Section 57 (2) a - j lists circumstances in which a child could be said to be falling into bad associations or be exposed to moral danger. Arguably, a person using a child for pornographic purposes would contravene section 57 (1). There is also a general prohibition of the importation into The Bahamas of "indecent or obscene prints, painting, photographs, books, cards, lithographic or other engravings or any other indecent or obscene articles" by virtue of section 45 (First Schedule) of the Customs Management Act (Chapter 267). */

2. Enshrined in the Constitution of the Commonwealth of the Bahamas are the fundamental rights and freedoms of all persons irrespective of race or place or origin. The Constitution further prescribes the judicial process to be observed in the event of the violation of any of these rights whether by the State or by a private individual. As such, persons belonging to minority groups, whether indigenous populations or migrant workers, are protected under the Constitution against inhumane treatment, slavery, forced labour and prostitution. The relevant sections of the Penal Code (chapter 77) which deal specifically with prostitution and the abduction of females are sections 136, 137, 284, 285 and 293 to 298. */

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*/ Available for consultation in the files of the Secretariat.

CANADA

[21 July and 12 December 1989]
[Original: English]

1. The Government of Canada indicated that in 1988 it had submitted a report on the implementation of the two Slavery Conventions to which Canada is party. That report (reproduced in document E/CN.4/Sub.2/AC.2/1988/4/Add.1) remains current, with the exception of the following information.

2. Canada wishes to inform the Secretary-General that the draft Emergencies Act referred to in its last report on the situation in Canada regarding the Conventions on Slavery, has now been enacted (S.C. 1988, c.29). This Act contains the following provisions of relevance in the present context: */

(a) The Preamble provides that the Governor-in-Council, in taking the special temporary measures contemplated by the Act, "must have regard to the International Covenant on Civil and Political Rights, particularly with respect to those fundamental rights that are not to be limited or abridged even in a national emergency";

(b) Section 3 gives the general definition of "national emergency";

(c) Sections 8 (1) (d), 19 (1) (d) and 30 (1) (e) permit the Governor-in-Council to make orders or regulations directing persons to render essential services in times of a public welfare emergency, public order emergency or international emergency, with reasonable compensation to be paid;

(d) In regard to war emergencies, there is not a specific provision authorizing measures of the sort outlined above. Rather, the Governor-in-Council is given the general power in s.40 (1) to make such orders or regulations as are believed, on reasonable grounds, to be necessary or advisable for dealing with the emergency;

(e) Section 48 enables the Minister designated by the Act to award reasonable compensation to any person who suffers loss, injury or damage as a result of the operation of the Act.

3. As indicated in its earlier report, it is the view of Canada that these provisions of the Emergencies Act do not involve any inconsistency with international standards prohibiting slavery or similar practices. In particular, it is the view of Canada that a requirement that essential services be rendered in times of national emergency is justifiable as being for a public purpose within the terms of article 5 of the Slavery Convention of 1926.

4. Furthermore, as indicated above, the Preamble to the Emergencies Act refers to the obligation of the Governor-in-Council to have regard to the Covenant on Civil and Political Rights, particularly with respect to those

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*/ Available for consultation in the files of the Secretariat.

rights not to be abrogated even in a time of national emergency. Article 8 of the Covenant set forth one of those rights: it provides that no one shall be required to perform forced or compulsory labour, but such labour is then defined to exclude any service exacted in case of emergency or calamity threatening the life or well-being of the country. Thus, the reference to the Covenant in the Preamble to the Emergencies Act provides additional assurance that international standards relating to slavery and similar practices will be taken into account in the application of the Act.

5. Canada has not ratified the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others of 1949. Several articles of the Convention, and in particular articles 16 and 20 fall within the jurisdiction of the provinces, as set out under Canada's Constitution. Further consultations would be required with the provinces to ensure that all jurisdictions were in compliance with the obligations provided for in the Convention, before Canadian ratification could occur. In addition, changes to Canada's Extradition Act and Immigration Act would have to be effected in order for Canada to comply with the Convention's obligations. Such changes and Canada's position with regard to the Convention remain under continued study.

6. Canada is, none the less, committed to the broad objective of the Convention. Canada is party to the International Agreement on the Suppression of the White Slave Traffic (1904), the International Convention of the Suppression of the White Slave Traffic (1910), the Protocol amending the Agreement of 1904 and the Convention of 1910 (1949), the Convention for the Suppression of the Traffic in Women and Children (1921), and the Protocol to amend the Convention for the Suppression of the Traffic in Women and Children of 1921 (1947). Moreover, Canada has adopted legislation aimed at combatting the problems associated with prostitution. Under the Criminal Code, prostitution itself is not an offence; however, sections 170-171 and 210-213 make criminal certain activities related to prostitution, including keeping a bawdy house, soliciting, procuring and living off the avails of prostitution.

7. The Canadian criminal legislation relating to prostitution would apply equal to migrant women involved in it and to those seeking to exploit such women for purposes of prostitution. The incidence in Canada of migrant women becoming involved in prostitution is not substantial. Thus, the establishment of a national body to protect migrant women is not foreseen in the near future.

8. Under section 163 of the Criminal Code of Canada, the making, publishing, distribution and possession for those purposes of any obscene matter or thing is prohibited. A publication is deemed to be obscene if its dominant characteristic is the undue exploitation of sex, or of sex and any one or more of crime, horror, cruelty and violence. To determine what is "undue exploitation", Canadian courts have adopted a community standards test which is meant to be a national standard reflecting what the Canadian public is prepared to tolerate.

9. The obscenity provision of the Criminal Code is available to address the problem of the exploitative use of children for pornographic purposes. In recent years, consideration has been given to strengthening this provision and to the enactment of specific provisions addressing the exploitation of children. Although legislation has not yet been enacted, the Government of Canada remains committed to its introduction in Parliament.

10. In Canada, the range of issues affecting children falls within the jurisdiction of both the federal and provincial governments. Due to this shared jurisdiction and the diversity of issues affecting children that require different strategies, a national body has not been established. None the less, concerted government attention has been focused on important questions affecting children in order to develop appropriate legislative responses.

CZECHOSLOVAKIA

[12 March 1990]
[Original: English]

1. Czechoslovakia has expressed its inherent concern for and commitment to the protection of all groups of population and of the freedoms and human dignity of individuals, inter alia, by becoming a contracting party to international conventions like the Slavery Convention of 1926, the Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery of 1956, the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others of 1949.

2. The institution of slavery and slave trade as defined in article 1 of the 1926 Slavery Convention has not existed in the territory of Czechoslovakia since more than a thousand years ago. The institution of serfdom was abolished in Bohemia and Moravia in 1781 and in Slovakia in 1785. Under the current penal law, protection of individuals against possible deprivation of personal freedom is provided on the basis of Section 232 of the Penal Code (published in the Collection of Laws [Law Gazette] under No. 140/1961) which includes a provision stipulating that whoever deprives another person of his/her personal freedom shall be punished by imprisonment for three to eight years, or in cases involving aggravating circumstances, for five to twelve years. It has to be pointed out that criminal offences of this kind occur very rarely and that in no case have they taken a form comparable to "slavery".

3. The institution of forced or compulsory labour as referred to in article 5 of the Slavery Convention does not exist in the Czechoslovak law. Assignment of work duties to persons serving sentences which is governed by sections 25-29 of the Imprisonment Régime Act (published in the Collection of Laws [Law Gazette] under No. 59/1965) is meant to constitute a specific method of the convicts' re-education whose purpose is to evoke or strengthen in them a sense of conscious commitment to work. In accordance with the purpose of a prison sentence, convicts are assigned work duties either in economic organizations or in correctional establishments, due regard being paid to the state of their health and their labour capabilities; they have the same working hours and receive the same remuneration as other employees.

4. In view of the deeply rooted democratic traditions and practical non-existence in society of circumstances encouraging emergence of such inhumane phenomena as those referred to in the 1926 Slavery Convention, it can be stated that the above-mentioned arrangements sufficiently cover also Czechoslovakia's obligations arising from the Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery of 1956 and are applicable to all the categories referred to in

that Convention. Moreover, the obligations ensuing from articles 2 and 3 of the Supplementary Convention are covered under Czechoslovak law by the Family Act (published in the Collection of Laws [Law Gazette] under No. 94/1964). That Act sets 18 years as the minimum age for entering into a marriage; in exceptional cases, provided that it is in keeping with the general purpose of marriage in society, courts can permit persons under that age to marry, but such permission can be granted only to those who have completed 16 years of age. Marriage is concluded by an affirmative statement to that effect by both the man and the woman made before a competent State authority and in the presence of two witnesses. A marriage contracted in any other way is regarded as non-existent.

5. The Czechoslovak penal law provides protection against abduction abroad which is deemed a criminal offence. Those committing it face a penalty of three to eight years' imprisonment (section 233 of the Penal Code).

6. Protection against exploitation through prostitution is provided for by the relevant provisions in the Penal Code. In this regard, the Czechoslovak law is based on respect for the right of every individual to decide freely about his/her sexual life. Exploitation of other persons engaged in prostitution is prosecuted as the criminal offence of pandering under section 204 of the Penal Code which defines pandering as any action whereby another person is hired, forced or seduced to engage in prostitution or any action amounting to exploitation for the purpose of obtaining material or other gain from the prostitution of another person.

7. The Czechoslovak law has explicitly accepted the obligation enshrined in the relevant international conventions in respect of traffic in women by defining, in Section 246 of the Penal Code, traffic in women as a criminal offence consisting in enticing, hiring or transporting to a foreign country a woman with the intent to have her used abroad for sexual intercourse with another person. If an offender commits such act with the intent of having a woman used for prostitution or acts as a member of an organized group or commits such act on a woman under 18 years of age, he/she faces a more severe penalty amounting to three to eight years' imprisonment.

PEOPLE'S DEMOCRATIC REPUBLIC OF YEMEN

[16 October 1989]
[Original: Arabic]

Information concerning paragraphs 1 and 2 (of resolution 1989/35 of the Commission on Human Rights)

1. The People's Democratic Republic of Yemen is a State party to the Slavery Convention of 1926, the amending Protocol of 1953 and the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery of 1956.

2. It will also soon be acceding to the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others of 1949 after the requisite legal formalities have been completed.

3. With regard to Democratic Yemen's fulfilment of its obligations under the two above-mentioned conventions on slavery, the following should be noted:

4. There are no slaves and no traffic in persons in the People's Democratic Republic of Yemen. This is due to the nature of the political régime, since the democratic national Government is struggling to put an end to the exploitation of human beings by their fellow human beings and has taken all the necessary legal and administrative measures to that end. Article 35 of the Constitution stipulates:

> "All citizens have equal rights and duties, regardless of their sex, origin, religion, language or social status. All citizens are equal before the law and the State shall do its utmost to ensure this equality through the provision of equitable political, economic and social opportunities".

5. Article 45, paragraph 1, stipulates that personal freedom shall be guaranteed.

6. With regard to article 2 of the Slavery Convention of 1926, the Family Act No. 1 of 1974 contains explicit provisions concerning age at marriage. Article 7 of the Act stipulates that a man must have reached the age of 18 years, and a woman the age of 16 years, in order to enter into a contract of marriage. Under article 8, a contract of marriage is deemed to be valid only if concluded between two adult persons in full possession of their mental faculties. Under article 9, a marriage cannot be contracted if there is an age difference of more than 20 years, unless the woman has reached the age of 35. Under article 6, a contract of marriage is valid only if: (a) it is concluded in the presence of the official registrar; (b) the contract and register of marriages are signed by both spouses.

7. With regard to article 5 of this Convention, concerning compulsory or forced labour, it should be noted that section III of the Criminal Code of Democratic Yemen, concerning penalties of imprisonment, makes provision for the compulsory assignment of convicts to work in public projects. The Code stipulates that compulsory labour may be imposed in circumstances of social emergency, in the case of offences causing serious detriment or resulting from disregard of the principles of social discipline, and also if the court is convinced of the futility of imposing other penalties on the offender (art. 156).

8. An examination of the articles of the Criminal Code in which provision is made for compulsory labour clearly shows that such labour is used only in projects of public benefit, primarily national development projects, to the exclusion of all other purposes. Article 58, paragraph 1, stipulates:

> "The court shall impose a penalty of compulsory labour in a public project if it finds that one of the causes of the offence was unemployment and also in any case in which it is convinced, in view of the nature of the offence and the character of the offender, that the educational effect of the penalty could be achieved without the need for a sentence of imprisonment".

9. It is noteworthy that persons performing compulsory labour in accordance with a court order receive a wage in respect of their work. Article 57 of the Criminal Code stipulates that compulsory assignment to a public project means that the person concerned is obliged to live in the vicinity of the project in which he is forced to work, deductions being made from his wages in respect of the services provided by the project, such as food, accommodation and clothing.

10. Obviously, such compulsory labour is not permanent and can be terminated once the penalty has served its educational purpose, as indicated in article 61 of the Code, which stipulates that, in the event of imprisonment or compulsory assignment to work in a public project, the convicted person should be released if his conduct in the project or the penal institution gives cause to believe in his reformation and if he has fulfilled his financial obligations relating to the offence for which he was convicted by the court, unless it is impossible for him to fulfil them, and provided that he has served a period of not less than six months in the project or institution.

11. These projects are supervised by the competent State authorities, which alone are empowered to order the release or discharge on probation of the person sentenced to compulsory labour. Article 62 of the Criminal Code stipulates:

> "The order for release, or discharge on probation, must be issued by the district court under whose jurisdiction the project or penal institution is situated, on the basis of a proposal by the director of the project or institution, an application by the convicted person or a request by the Public Prosecutor, and the decision of the said court in this respect is not subject to any form of appeal".

In other words, no person, regardless of his status, has the right to impose compulsory labour on another person except by order of the competent court.

12. With regard to institutions and practices similar to slavery, as referred to in article 1 of the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery of 1956, the following information can be given, in the order in which those institutions and practices are listed in that article:

(a) Debt bondage: namely, the status or condition arising from a pledge by a debtor of his personal services or of those of a person under his control as security for a debt, if the value of those services as reasonably assessed is not applied towards the liquidation of the debt or the length and nature of those services are not respectively limited and defined. We can affirm that this practice does not exist in Democratic Yemen, which has no legal provisions in that connection. To solve the problem of the repayment of debts and the honouring of pledges, the law contains provisions that in no way resemble debt bondage.

(b) Serfdom: after the attainment of independence, Democratic Yemen promulgated the Agrarian Reform Act of 1970, article 34 of which stipulates:

> "Legislation shall be promulgated to regulate the relationship between owners and tenants and between agricultural labourers and landowners in such a way as to prevent acts of exploitation and ensure a decent standard of living for tenants and agricultural labourers".

(c) Any institution or practice whereby:

(i) A woman, without the right to refuse, is promised or given in marriage. In this connection, article 5 of the Family Act No. 1 of 1974 clearly stipulates: "Marriage is concluded with the consent of the two parties concerned, this consent being expressed in words, in writing or by any intelligible sign in the case of persons unable to speak". This highlights the important point that consent by the woman, as well as the man, is a pre-condition for marriage. Accordingly, it is illegal to promise or give a woman in marriage without her consent.

(ii) The husband of a woman, his family or his clan have the right to transfer her to another person. This is an odious practice that does not exist in our country and consequently is not referred to in our national legislation.

(iii) There is the possibility of a woman being inherited by another person on the death of her husband. This does not exist in customary law or common practice, since it constitutes a violation of the provisions of the above-mentioned Family Act, article 49, paragraph 1, which stipulates that any person who concludes, notarizes or helps to conclude or notarize any marriage contract that violates the provisions of the Act shall be punished by a fine of up to 200 dinars and/or imprisonment for a period of up to two years.

(d) Democratic Yemen has no institutions or practices whereby a child or young person under the age of 18 years can be delivered to another person by either or both of his natural parents or by his guardian, whether for reward or not, with a view to the exploitation of the child or young person or of his labour. In fact, such an act would be punishable under article 162 of the Criminal Code, which prescribes a sentence of imprisonment or compulsory assignment to work in a public project for a period of up to one year, with or without probation, for any person who exploits his position of guardian or custodian for purposes of profit or leaves the person placed under his guardianship or safekeeping without constant care and supervision in such a way as to jeopardize the upbringing of the said person.

Information concerning paragraphs 13 and 14

13. The State guarantees extensive rights for children and to this end has taken a number of measures which can be summarized as follows:

14. Article 27 of the Constitution stipulates:

"The State shall ensure, through legislation and other measures, a continuous improvement in the achievement of the social stability of the family and extensive care of children and, to this end, shall establish mother and child care centres in all parts of the Republic".

15. Pursuant to the provisions of the Constitution, Act No. 13 of 1974 was promulgated, in which provision was made for the establishment of a Higher Council for Child Welfare, the functions of which were defined as follows:

(a) Co-operation with the Ministry of Health in the provision of health care for children and participation in the organization of State assistance for this purpose;

(b) Endeavours to provide means of recreation for children and to promote their continuing physical, intellectual, psychological and social development in co-ordination with the competent authorities;

(c) The establishment of kindergartens and other child care facilities in co-ordination with the competent authorities;

(d) Supervision of the management of kindergartens and nursery schools;

(e) The organization of academic and artistic competitions, exhibitions and festivals in co-ordination with the competent authorities;

(f) The organization and supervision of an information programme for children in such a way as to serve their interests, promote their upbringing in a patriotic, scientific and progressive manner and imbue them with national concepts and culture, in co-ordination with the competent authorities;

(g) Endeavours, in co-operation with the authorities concerned, to publish the requisite newspapers, books and magazines for children;

(h) Endeavours to ensure that children are brought up with a feeling of pride in their country, their people and its revolutionary and humanitarian achievements and to collaborate with the schools with a view to ensuring that children are taught to believe in the cause of the Yemeni revolution and the objectives of the Yemen Socialist Party and are inspired with a love of work and knowledge and a spirit of scientific awareness and socialist morality.

16. With regard to protection of the rights of children, reference may be made to the following:

(a) Rape

(i) Under article 145, paragraph 1, of the Criminal Code (Act No. 3 of 1976), any person who has sexual relations with a female through the use of physical force, by threatening to endanger her life or health or by exploiting the victim's inability to defend herself or to realize the seriousness of her acts shall be punished by imprisonment for a period of not less than three years. Paragraph 2 of that article prescribes a penalty of imprisonment for not less than five years if the offence is committed jointly by a number of persons, if the victim is under 16 years of age, if the assault causes grievous but unintentional bodily harm, if the victim becomes pregnant, if the offender has previously committed or been convicted of a similar offence, or if the offender had been entrusted with the supervision, protection, upbringing, care or treatment of the victim or if he was a close relative of the victim.

(ii) Paragraph 3 of that article prescribes a penalty of imprisonment for not less than five years, or the death penalty, if the act leads to the death or suicide of the victim.

(iii) Paragraph 4 of that article stipulates that an unsuccessful attempt to commit such an act is also punishable.

(b) Prostitution

(i) Article 148 of the Criminal Code makes provision for the punishment of persons who, in any way, act as intermediaries in prostitution for purposes of gain. Article 150 makes provision for the punishment of any person who arrests or detains another person, or deprives another person of his freedom, in an unlawful manner. Paragraph 2 of this article states:

"A penalty of up to five years' imprisonment shall be imposed if the act is committed by a public official, by a person posing as a public official, by a person carrying a weapon or by a number of persons, if it is committed with a view to material gain, if the victim is a minor or mentally handicapped, or if the act leads to deprivation of freedom or endangers the victim's life or health".

(ii) Article 151 makes provision for the punishment of any person who abducts another person by force, threat or deception or compels another person to live in particular places, in violation of the law, or takes such other person outside the territory of the Republic. A penalty of up to five years' imprisonment is imposed on any person who commits such an act with a view to forcing a woman to engage in prostitution or who abducts a minor girl for purposes of prostitution.

(iii) Article 164, paragraph 3, prescribes a penalty of up to three years' imprisonment for any person who abducts a minor under 16 years of age by force, threat or deception. The same penalty applies if the minor is taken outside the Republic or to remote places within its territory.

(iv) Article 165 of the Code makes provision for the punishment of any adult who exerts a corrupting influence on the upbringing of a young person or juvenile under 16 years of age in such a way as to encourage him to lead a dissolute life.

(v) Article 166 prescribes a fine of up to 100 dinars and a penalty of up to two years' imprisonment, with or without probation, for any person who illegally prepares or distributes obscene material likely to corrupt young persons and juveniles. For the purposes of this article, "obscene material" means publications, audio-visual recordings and similar material likely to provoke interregional, intertribal or intercommunal antagonism, viciousness or contempt for humanity among young persons and juveniles or induce them to engage in immoral or unethical conduct, acts of violence, murder and other crimes.

(vi) Article 167 of the Code stipulates:

"Anyone who sexually assaults a person under 16 years of age shall be punished by imprisonment for not less than three years. The penalty shall be imprisonment for not less than five years if the offence is committed jointly by a number of persons, if the act caused grievous but unintentional bodily harm, if the offender has previously committed or been convicted of similar acts or if the

offender had been entrusted with the supervision, protection, upbringing, care or treatment of the victim. The penalty shall be imprisonment for not less than five years, or the death penalty, if the act leads to the death or suicide of the victim".

Information concerning paragraph 15

17. Only a small proportion of Yemeni women emigrate from the country and, when they do so, they normally travel in the company of their husbands or relatives working abroad. Accordingly, the adoption of measures for the protection of migrant Yemeni women against exploitation by prostitution and other slavery-like practices, including the possibility of establishing national bodies to achieve those objectives, is regarded as unnecessary in view of the fact that these practices are non-existent among migrant Yemeni women.

Information concerning paragraph 16

18. It is noteworthy that women were exploited for purposes of prostitution during the pre-independence era, in which such practices took place in a few residential districts of the capital. However, after the achievement of independence, the Revolutionary Government took a number of measures to put an end to this deplorable social phenomenon. These measures included the employment of a number of those women in factories, State farms and co-operatives and the organization of educational and information campaigns to combat that phenomenon. Women engaged in prostitution were also enrolled in social and professional organizations and diligent endeavours were made to enhance their level of political and social awareness with a view to their social rehabilitation and their participation in the national socio-economic development process. Moreover, the State promulgated the Criminal Code, to which reference has already been made.

19. In future years, the above information will be supplemented by further details concerning each individual convention, particularly the slavery conventions to which Democratic Yemen is a party.

DENMARK

[5 March 1990]
[Original: English]

1. Denmark is not a party to the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others of 1949.

2. With regard to the Slavery Convention of 1926 and the Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery, the Government of Denmark stated the following:

> "Under section 261 of the Danish Penal Code ... it is an indictable crime to deprive another person of his liberty. Moreover, under sections 228, 229 and 231 of the Penal Code it is considered an indictable act to lead another person to engage in prostitution and to profit by someone else's profession as a prostitute."

3. An English translation of the provisions of the Penal Code referred to above reads as follows:

Paragraph 228

(1) Any person who:

(1) induces another to seek a profit by sexual immorality with others; or

(2) for the purposes of gain, induces another to indulge in sexual immorality with others or prevents another who engages in sexual immorality as a profession from giving it up; or

(3) keeps a brothel;

shall be guilty of procuring and liable to imprisonment for any term not exceeding four years.

(2) The same penalty shall apply to any person who incites or helps a person under the age of 21 to engage in sexual immorality as a profession, or to any person who helps some other person to leave the Kingdom in order that the latter shall engage in sexual immorality as a profession abroad or shall be used for such immorality, where that person is under the age of 21 or is at the time ignorant of the purpose.

Paragraph 229

(1) Any person who, for the purposes of gain or in frequently repeated cases, promotes sexual immorality by acting as an intermediary, or who derives profit from the activities of any person engaging in sexual immorality as a profession, shall be liable to imprisonment for any term not exceeding three years or, in mitigating circumstances, to simple detention or a fine.

(2) Any person who lets a room in an hotel or inn for the carrying on of prostitution as a profession shall be liable to imprisonment for any term not exceeding one year or, in mitigating circumstances, to a fine.

(3) Any man who allows himself to be supported, in whole or in part, by a woman who makes her living by prostitution shall be liable to imprisonment for any term not exceeding four years.

(4) Any man who, in spite of warnings by the police, lives with a woman who makes her living by prostitution shall be liable to imprisonment for any term not exceeding one year. A warning given by the police shall be valid for five years.

(5) The penal provisions in subsections (3) and (4) above shall not apply to male persons under the age of 18 whom the woman is under a legal obligation to support.

Paragraph 231

If any person prosecuted under the provisions of sections 228 or 229 of the Act has previously been convicted of any of the offences dealt with in these provisions or of vagrancy, or if he has been sentenced to imprisonment in respect of an offence against property, the penalty may be increased by not more than one half.

Paragraph 261

(1) Any person who deprives any other person of liberty shall be liable to imprisonment for any term not exceeding four years or, in mitigating circumstances, to simple detention.

(2) If the deprivation of liberty has been effected for the purposes of gain or if it has been of long duration or if it consisted in any person being unlawfully kept in custody as insane or mentally defective or being enlisted for foreign military service or being taken into captivity or any other state of dependence in any foreign country, the penalty shall be imprisonment for not less than one nor more than twelve years.

GREECE

[4 August 1989]
[Original: English]

1. Greece has ratified the following conventions:

(a) The Slavery Convention of 25 September 1926 (Law 4473 of 10-26 February 1930);

(b) The New York Protocol of 7 December 1953 amending the above Convention (Legislative Decree No. 2965 of 10-23 August 1954);

(c) The Supplementary Convention of 7 September 1956 on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery (Legislative Decree No. 1145 of 29 April-30 June 1972);

(d) The International Convention of 11 October 1933 for the Suppression of the Traffic in Women of Full Age (Compulsory Law 360 of 30 November-5 December 1936);

(e) The United Nations Protocol signed at Lake Success on 12 November 1947 by which the Geneva Conventions of 1921 (concerning the suppression of traffic in women and children) and of 1933 (concerning the suppression of traffic in adult women) were amended (Legislative Decree No. 2414/1953).

2. Greek penal law provides for the punishment of the following criminal acts:

(a) Facilitation of debauchery, pandering (promotion of prostitution, incitement of minors to corruption, instigation or facilitation of prostitution or corruption of minors), exploitation of a prostitute, procuring (arts. 348-351) of the Greek Penal Code);

(b) Slave trade (slave arrest, acquisition, disposition, exchange of a slave etc.) (art. 323 of the Greek Penal Code).

MEXICO

[29 November 1989]
[Original: Spanish]

1. With a view to promoting the elimination of all contemporary forms of slavery, the Government of Mexico is a State party to the following conventions:

(a) The Slavery Convention of 1926, which was ratified by the Senate of the Republic on 3 February 1954;

(b) The Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, to which Mexico acceded on 21 February 1956;

(c) The Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery, for which the Government of Mexico deposited the instruments of ratification on 30 June 1959.

2. Article 2 and article 5, paragraph 3 and paragraph 5 of the Constitution of the United States of Mexico prohibit slavery and institutions and practices similar to slavery in Mexico:

> Article 2: "Slavery is forbidden in the United States of Mexico. Slaves who enter the national territory from abroad shall, by this act alone, recover their freedom and enjoy the protection afforded by the laws".
>
> Article 5, paragraph 3: "No one can be compelled to render personal services without due remuneration and without his full consent, except labour imposed as a penalty by the judiciary, which shall be governed by the provisions of clauses I and II of article 123".
>
> Article 5, paragraph 5: "The State cannot permit the execution of any contract, covenant or agreement having for its object the restriction, loss or irrevocable sacrifice of the liberty of man, whether on account of work, education or religious vows".

3. By virtue of the Constitution, no person in Mexico may be considered a slave, because every individual has the right to be regarded as a person in law, having capacity, like any other person, to acquire rights and enter into obligations.

4. Articles 364 and 365 of the Criminal Code provide for custodial sentences and fines for anyone who in any way violates or prejudices the individual rights and guarantees set out in the Constitution:

> Article 364: "II - Anyone who in any way violates, with prejudice to another, the rights and guarantees set out in the Constitution of the Republic for the protection of the individual".

Article 365: "I - Anyone who compels another to work or render personal services without due remuneration by resorting to physical or moral violence or by using deceit, intimidation or any other means, and II - Anyone who enters into another contract depriving the latter of his freedom or imposing conditions that constitute a form of slavery or who seizes any person and delivers him to another for the purpose of having him enter into such a contract".

5. The Government of Mexico is striving to discourage the traffic in persons, including all aspects of commercialized prostitution, and especially the act of acting as an intermediary in the prostitution of another person of either sex, inciting that person to engage in prostitution or corrupting him with a view to making him become a prostitute, regardless of the means used.

6. The measures taken by the Government of Mexico include:

(a) Reducing unemployment, by creating sources of work;

(b) Combating ignorance, by increasing the number of schools and educational programmes.

7. In Mexico, prostitution is not a criminal offence, but is regarded as an administrative offence. Articles 206 to 208 of the Criminal Code punish any person who commits the offence of procuring.

Under article 207, the offence of procuring is defined as follows:

"I - Any person who habitually or occasionally promotes the physical exploitation of another through illicit sexual relations, lives off such relations or derives any profit from it.

II - Anyone who incites or solicits a person to engage in illicit sexual relations or provides the means to enable that person to engage in prostitution.

III - Anyone who presides over, administers or maintains, directly or indirectly, brothels, houses of prostitution or public places specifically devoted to the practice of prostitution, or derives any gain from their proceeds".

Article 208 establishes that: "When the person who engages in illicit sexual relations is a minor, anyone who abets, consents to or permits such relations shall incur a penalty of six and ten years' imprisonment and a fine to be determined by the judge having regard to the minimum wage".

8. With regard to children, the Government of Mexico has established statutory measures and support programmes to protect children's human rights.

9. Regarding the employment of minors, the Constitution establishes:

Article 123, paragraph III: "The use of the labour of minors under fourteen years of age is prohibited. Persons above that age and less than sixteen shall have a maximum work day of six hours".

Paragraph XI: "Where, in exceptional circumstances, working hours have to be increased, the overtime worked shall be remunerated at a rate double that applied for normal working hours. In no circumstances may the overtime worked exceed three hours daily, nor may overtime be worked more than three times consecutively. Persons under sixteen years of age shall not be permitted to work overtime".

10. Chapter II of Title Eight of the Criminal Code sets forth the fines and custodial sentences provided for persons engaging in the corruption of minors:

Article 201: "Anyone who facilitates or procures the corruption of a person under the age of 18 shall be liable to between six months' and five years' imprisonment".

"A person shall be deemed to have committed the offence of corrupting minors who procures or facilitates the sexual depravation of persons having attained puberty, the initiation into sexual life or the depravation of persons not having attained puberty, or who induces or incites them to practise mendicity, habitual vice, or drunkenness, to participate in a criminal association, or to commit any offence; or who abets them in such practices".

Article 202: "The employment of persons under the age of 18 in bars, taverns and places of ill repute is prohibited".

11. The Government of Mexico is continuing its efforts to eliminate various practices related to contemporary forms of slavery, for which purpose, as can be imagined, it has a very extensive legal apparatus at its disposal.

12. Nevertheless, it must be borne in mind that the economic crisis the country is undergoing has hampered these efforts. In that regard, secondary employment of children has increased considerably in recent years as a result of the crisis, despite the existence of legislation that punishes it.

13. Likewise, the Government of Mexico wishes to state that, in addition to a legal structure that prohibits practices related to contemporary forms of slavery, the improvement of the social conditions of populations in the developing countries is a key element in the elimination of these kinds of practices.

NETHERLANDS

[23 January 1990]
[Original: English]

The Government of the Netherlands referred to its 1989 report on the implementation of the convention on slavery (see E/CN.4/Sub.2/AC.2/1989/4/Add.1) and indicated that, in the meantime, no new developments had occurred.

SAUDI ARABIA

[23 November 1989]
[Original: English]

The Permanent Mission of the Kingdom of Saudi Arabia has sent the following comments:

"Slavery, slave trade and institutions and practices similar to slavery do not exist in the Kingdom of Saudi Arabia".

URUGUAY

[28 June 1989]
[Original: Spanish]

On 20 June 1989, the Uruguayan Executive sent the Legislature a message communicating a bill calling for the approval of the Slavery Convention of 1926, as amended in the Protocol of 1953, and the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery (1956).

VENEZUELA

[29 August 1989]
[Original: Spanish]

1. Venezuela is a party to the 1949 Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, which was ratified in September 1968 and published in the Gaceta Oficial No. 28,745 of 3 October 1969, and is consequently a law of the Republic.

2. Under the provisions of the Constitution, persons living in Venezuela enjoy social and legal equality, so that slavery, the slave trade or institutions or practices similar to slavery are precluded as a matter of principle. Furthermore, the act of enslaving a person or subjecting him to a similar condition is punishable by between 6 and 12 years' rigorous imprisonment under article 174 of the Criminal Code, and, under article 4 of the Code, Venezuelan citizens participating in the slave trade within the territory of the Republic or abroad shall be tried and punished in Venezuela.

3. Similarly, article 382 of the Criminal Code lays down that any person who repeatedly or for motives of profit and so as to satisfy the passions of another brings about, aids or encourages the prostitution or corruption of any person shall be punished by between one and six years' rigorous imprisonment, and that if the offence is committed against a minor, at least half the maximum sentence shall be imposed. Apart from this provision and any that may exist in the States' Police Codes, we are not aware that any other laws have been promulgated with a view to securing compliance with this Convention. The Ministries of Interior, Justice and The Family are being requested to provide any information they may have on the matter by virtue of their jurisdiction, and also to take appropriate steps or initiatives to comply with the obligations and commitments assumed under the Convention.

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E

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Working Group on Contemporary
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Fifteenth session
30 July - 3 August 1990
Item 3 of the provisional agenda

REVIEW OF INFORMATION RECEIVED ON THE STATUS AND THE IMPLEMENTATION OF CONVENTIONS ON SLAVERY AND SLAVERY-LIKE PRACTICES

Information received from States concerning the Slavery Convention, the Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery and the Convention for the Suppression of the Traffic in Persons and of the Prostitution of Others

Note by the Secretary-General

Addendum

The present document contains the communication received from the Government of Ecuador.

GE.90-12286/6819A

ECUADOR

[16 May 1990]
[Original: Spanish]

1. Ecuador is a party to the 1926 Slavery Convention, the 1956 Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery, and the 1950 Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others. In addition, steps are being taken with a view to Ecuador's accession to the 1923 International Convention for the Suppression of the Circulation of and Traffic in Obscene Publications and the Additional Protocol thereto of the same year.

2. Ecuador's position in this regard derives from its unequivocal condemnation of slavery. Accordingly, such practices have been proscribed under a number of Ecuadorian constitutions. The Constitution now in force provides in article 19, subparagraph (a) of numeral 17, that the State "shall prohibit slavery and servitude in all its forms".

3. Effect is given to the above provision of the Constitution in various subsidiary laws, including the Criminal Code under which persons who corrupt minors (art. 521), and persons who take women into their houses for the purpose of abusing them, are punishable by a term of four to eight years' imprisonment. It likewise makes punishable publications of all kinds that offend against decency, and makes abduction and rape offences.

4. Lastly, it should be noted that the Government is considering the adoption of new medical and health regulations which reflect the trend towards curtailment of the practice of prostitution.

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E

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Sub-Commission on Prevention of
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Working Group on Contemporary Forms
of Slavery
Fifteenth session
30 July - 3 August 1990
Items 4 and 5 of the provisional agenda

ERADICATION OF THE EXPLOITATION OF CHILD LABOUR, AND OF DEBT BONDAGE

REVIEW OF DEVELOPMENTS IN OTHER FIELDS OF CONTEMPORARY FORMS OF SLAVERY

Information submitted by Governments, United Nations organs, specialized agencies and intergovernmental organizations

Note by the Secretary-General

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I. Introduction

1. By its decision 16 (LVI) of 17 May 1974, the Economic and Social Council authorized the Sub-Commission on Prevention of Discrimination and Protection of Minorities to establish a five-member working group to review developments in the field of the slave trade in all their practices and manifestations, including the slavery-like practicies of apartheid and colonialism, the traffic in persons and the exploitation of the prostitution of others as defined in the Slavery Convention of 1926, the Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery of 1956, and the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others of 1949.

2. At its fortieth session, the Sub-Commission, by resolution 1988/31, approved the programme of work of the Working Group for the period 1989-1991. This programme of work (contained in chapter VI of the report of the Working Group on its thirteenth session (E/CN.4/Sub.2/1988/32)) included three main themes to be discussed in successive years: prevention of the sale of children, of prostitution of children and of the use of children in pornography (1989); eradication of the exploitation of child labour and of debt bondage (1990); and prevention of traffic in persons and of the exploitation of the prostitution of others (1991).

3. A note verbale and a letter dated 26 January 1990 were sent by the Secretary-General, respectively, to all States and to United Nations organs, specialized agencies and intergovernmental organizations concerned, inviting them to submit information to the Working Group on Contemporary Forms of Slavery and drawing their attention to the main theme, the eradication of the exploitation of child labour and of debt bondage, to be singled out for discussion at the fifteenth session of the Working Group, in 1990.

4. By 15 May 1990, the Governments of China, the Congo, Iraq, Mexico, Panama, Philippines, Rwanda, Saudi Arabia, Singapore, Tunisia and Uruguay had submitted their communications. Replies had also been received from the Economic Commission for Latin America and the Carribean, Economic and Social Commission for Western Asia, United Nations Centre for Social Development and Humanitarian Affairs, United Nations Population Fund, United Nations University, Food and Agriculture Organization of the United Nations, United Nations Educational, Scientific and Cultural Organization, Inter-American Commission on Human Rights and Interpol. A summary of substantial replies is reproduced below. */

5. Additional replies, if any, will be published in addenda to the present document.

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*/ The full texts of the replies are available for consultation in the Secretariat files.

II. Information received from States

CHINA

[Original: Chinese]
[30 March 1990]

1. In China it is a serious offence against the law to employ children in trade or labour. According to China's Common Civil Law, any citizen 16 years of age is regarded as a person capable of civil behaviour and is therefore allowed to engage in trade or be employed. The Mandatory Education Law of the People's Republic of China strictly prohibits any institution or individual from employing children or young people of school age. For various reasons, certain instances of child employment have occurred in recent years in some parts of China. The Government is seriously concerned about this new social problem and is trying to address it by the following measures:

(a) Publication of a prohibition notice which forbids all urban and rural commercial enterprises and individuals to employ school-age children in trade or labour;

(b) Imposition of more strict regulations on labour and on industry and commerce, allowing the Justice Ministry to prosecute employers of child labour;

(c) Popularizing education on the knowledge of law; rectifying some confusion in the labour and service sectors; enforcing nine years of mandatory education in rural areas and cutting down the number of students dropping out.

2. Furthermore, China is preparing new laws to protect children and youth and endeavouring to mobilize society as a whole to prevent, reduce and finally stop all employment of children in commerce or labour.

CONGO

[Original: French]
[11 April 1990]

1. The exploitation of child labour and debt bondage are practices unknown in the People's Republic of the Congo.

2. The same applies to other fields of contemporary forms of slavery, including:

(a) Slavery and the slave trade;

(b) Sale of children;

(c) Child prostitution and child pornography;

(d) Prevention of traffic in persons and the exploitation of the prostitution of others;

(e) Slavery-like practices of apartheid and colonialism.

IRAQ

[Original: Arabic]
[3 April 1990]

1. Iraq condemns all practices that lead to any form of child abuse in connection with the adoption of children for commercial purposes. The Young Persons' Welfare Act No. 76 of 1983 laid down humanitarian rules and principles for the adoption of orphans or children of unknown parentage in order to protect them and ensure their family welfare so that they can enjoy a normal life and become useful members of society, in keeping with the provisions of the Social Welfare Act No. 126 of 1980. In this regard, the above-mentioned Young Persons' Welfare Act contains the following stipulations and regulations governing the adoption process:

(a) A married couple may submit a joint application to the Juvenile Court for the adoption of a young orphan or child of unknown parentage. Before taking a decision on the application, the Juvenile Court must ascertain that the applicants are Iraqi citizens of good repute, sound in mind, free from diseases, capable of supporting and bringing up the child, and well-intentioned;

(b) The Juvenile Court is empowered to approve the adoption application, on a provisional basis, for a trial period of six months, which may be extended for a further six months, during which time the Court sends a social worker to the home of the adoptive parents at least once a month to verify their wish to adopt the child in the light of the manner in which they are catering for its welfare. A detailed report in this connection is submitted to the Court;

(c) If one or both of the adoptive parents change their mind about adopting the child within the trial period, or if the Juvenile Court finds that such an adoption would not be in the best interests of the child, the approval of the adoption application is revoked and the child is placed in the custody of one of the social institutions established for that purpose;

(d) The Juvenile Court transmits a copy of its decision approving the adoption or filiation application to the General Directorate of Nationality and Civil Status for registration.

2. In this connection, it is noteworthy that children in Iraq are protected in many different ways, beginning with protection of the mother's health during pregnancy and confinement and protection of the child's health after its birth. This protection, which is provided free of charge, is promoted and monitored by the State health and educational institutions. Expectant mothers are granted pre- and post-natal maternity leave for an aggregate period of more than a year, half on full pay and the other half on half pay.

3. Article 11 of the Constitution stipulates that: "The family is the nucleus of society. The State undertakes to protect and strengthen it and to cater for the welfare of mothers and children". The same applies to the child's upbringing and education, for which facilities are provided free of charge from the kindergarten stage and throughout the subsequent stages of education, including higher education.

4. Article 27 (a) of the Constitution stipulates that: "The State undertakes to combat illiteracy and ensure the enjoyment by all citizens of their right to free education at all primary, secondary and university levels". Paragraph (b) of the same article further stipulates that: "The State shall endeavour to make primary education compulsory". To this end, the Compulsory Education Act No. 118 of 1976 was promulgated, under which primary education was made compulsory up to the age of 15 years.

5. Other aspects of the protection of children can be seen in the promulgation of the special legislation concerning the welfare of young persons, which made provision for the introduction of measures to reform and rehabilitate juvenile delinquents in accordance with the principle of diminished responsibility, which has nothing in common with methods that involve penalties of confinement in institutions.

6. Iraq condemns all forms of child adoption for commercial or employment-related purposes as inhuman practices. It is noteworthy that section II, on the protection of young persons, of the Labour Act No. 71 of 1987, and even the preceding Labour Acts, categorically prohibited the employment of persons under 15 years of age. However, it is permissible to employ young persons over 15 years of age in heavy or dangerous forms of work, as defined by the Minister of Labour and Social Affairs, provided that this is done primarily for purposes of training.

MEXICO

[Original: Spanish]
[28 March 1990]

1. Regarding young persons, the Government of Mexico has introduced legislation and support programmes intended to protect the human rights of children.

2. Regarding child labour, the Constitution provides as follows:

Article 123, paragraph III: "The practice of work by minors under the age of 14 years shall be prohibited. Persons between the age of 14 and 16 years shall have a maximum working day of six hours".

Paragraph XI: "When, in exceptional circumstances, working hours require to be extended, the overtime shall be remunerated at twice the rate for ordinary time. In no case may overtime exceed three hours per day, nor three consecutive occurrences. Persons under the age of 16 shall not be permitted to engage in this kind of work".

3. Title Eight, chapter II of the Criminal Code prescribes penalties in the form of fines and imprisonment for persons guilty of corruption of minors:

Article 201: "Any person facilitating or bringing about the corruption of a minor of less than 18 years of age shall be sentenced to imprisonment for a term of from six months to five years. Any person who brings about or facilitates the sexual depravation of an adolescent or sexually initiates or

depraves a child below the age of puberty, or induces, encourages, or assists the above categories of person to engage in mendicity, vicious habits or drunkenness, or to join a criminal association or to commit any offence shall be guilty of corruption of minors".

Article 202: "The employment of minors of less than 18 years of age in bars, taverns, and haunts of vice is prohibited".

4. The National System for the Integral Development of the Family (DIF) has programmes of social and psychological readaptation for homeless minors, called "street children", and also for juvenile delinquents; these programmes, in spite of their insufficiency, have yielded valuable results thus far.

5. Regarding the adoption of children for commercial purposes, specific cases of this phenomenon have been recorded in Mexico. There are indications that the legal procedure of adoption is frequently used as a means of removing Mexican children abroad. Unfortunately, not all child adoptions are carried out in proper form, owing to the fact that a very large number of foreigners wishing to adopt children resort to unauthorized "adoption agencies", which undertake to obtain and supply children in return for payment. In this connection an effort is being made to increase awareness of the fact that in Mexico the DIF is the only body authorized and in a position to grant the adoption of children either to Mexicans or to foreigners, always provided that they satisfy the relevant legal and institutional requirements.

6. Adoption should be considered as an alternative means of care for the child, as provided in article 21 (b) of the United Nations Convention on the Rights of the Child, which has already been signed by Mexico, and hence adoption will always be carried out in the best interests of the child. This is interpreted as being the child's physical, moral, intellectual and social welfare, to be secured by satisfaction of its basic necessities and the preservation and promotion of its physical and mental health.

7. It should be mentioned that the adoption of children in Mexico is governed by the local legislation in each State, which gives rise to a lack of co-ordination in the case of intercountry adoptions. A draft law has been prepared providing regulations under article 4 of the Constitution, which, if approved by Congress, will lay down guidelines for the unification of criteria regarding intercountry adoption. Among the illicit purposes for which Mexican children are adopted and which fall into the category of illicit traffic in minors are exploitation of child labour, sexual exploitation and the sale of children, including even the sale of their bodily organs.

8. In the international field, Mexico has taken an active part in the various international forums for protection of minors. The year 1984 saw the signature of the Inter-American Convention on Conflict of Law concerning the Adoption of Minors, which regulates the situation in a very clear manner. Subsequently, Mexico was one of the first countries to sign the United Nations Convention on the Rights of the Child, and it is hoped that in the near future we shall accede to the Hague Convention on the Civil Aspects of International Child Abduction. Recently, the Hague Conference of private international law called upon its participants to set up a special drafting committee to prepare a convention on international adoption, in which Mexico will play an active part.

PHILIPPINES

[Original: English]
[14 March 1990]

1. Slavery is penalized under Philippine law.

Article 272 of the Revised Penal Code reads: "Slavery: the penalty of prisión mayor and a fine not exceeding 10,000 pesos shall be imposed upon anyone who shall purchase, sell, kidnap or detain a human being for the purpose of enslaving him. If the crime has been committed for the purpose of assigning the offended party to some immoral traffic, the penalty shall be imposed in its maximum period".

Article 273 reads: "Exploitation of Child Labour: the penalty of prisión correccional in its maximum and medium periods and a fine not exceeding 500 pesos shall be imposed upon anyone who, under the pretext of reimbursing himself of a debt incurred by an ascendant, guardian or person entrusted with the custody of a minor, shall, against the latter's will, retain him in his service".

Article 274 reads: "Services rendered under compulsion in payment of debt: the penalty arresto mayor in its maximum period to prisión correccional in its maximum period shall be imposed upon any person who, in order to require or enforce the payment of a debt, shall compel the debtor to work for him, against his will, as household servant or farm labourer".

Article 3, section 18, paragraph 2, of the Philippine Constitution provides that: "No involuntary servitude in any form shall exist, except as a punishment for a crime whereof the party shall have been duly convicted".

2. Concept: Involuntary servitude means a condition of enforced compulsory service of one to another regardless under what form such servitude may be disguised or the condition of one who is compelled by force, coercion, or imprisonment, and against his will, to labour for another, whether he is paid or not. It may be in the form of peonage wherein a person voluntarily submits himself to render service to another in consideration of his indebtedness. It may be in the form of slavery, wherein a person submits himself in subjugation to the will of another in whatever form it may take.

3. Exceptions: This constitutional prohibition against involuntary servitude is not absolute for it recognizes the following exceptions:

(a) When the involuntary servitude is imposed as a punishment for a crime which a person commits and is properly prosecuted and convicted by a final judgement;

(b) In case where the law authorizes municipal corporations to require able-bodied male residents from the age of 16 to 20, to assist in the apprehension of ladrones, robbers and other elements and to serve as patrols for the protection of the municipality not exceeding one day each;

(c) In cases of compulsory service of sailors to carry out their shipping contracts; compulsory service in the military notwithstanding the fact that their nature is compulsory service, the same are not contemplated under the constitutional prohibition.

(d) Compulsory personal military or civl service necessary for the defence of the State;

(e) Workers required to work under a "return to work order" pending settlement of an industrial labour dispute.

4. Article XIII, section 6, of the Constitution provides that the State, subject to the provisions of the Constitution and national development policies and programmes shall protect the "rights of indigenous communities to their ancestral lands to ensure their economic, social and cultural well-being". The Congress may provide for the applicability of customary laws governing property rights or relations in determining the ownership and extent of ancestral domain. One of the grave problems that the cultural minorities are facing is their being evicted from the lands occupied and tilled by them since time immemorial. This social injustice stems from the basic difference between the concept of landholding from that of the cultural minorities who have, at all times, regarded their ancestral lands as communal property belonging to the tribe or clan as a whole, and may not therefore be titled exclusively to one person or family. Moreover, due to poverty and illiteracy of these cultural minorities in these communities, they are handicapped by their inability to articulate their needs, especially their claim of ownership.

5. Article 118 of the Labour Code of the Philippines provides that: "It shall be unlawful for an employer to refuse to pay or reduce the wages and benefits, discharge or in any manner discriminate against any employee who has filed any complaint or instituted any proceeding under this Title or has testified or is about to testify in such proceedings".

6. Article 10 (2) of the International Covenant on Economic, Social and Cultural Rights states that: "Special protection should be accorded to mothers during a reasonable period before and after childbirth. During such period, mothers should be accorded paid leave or leave with adequate social security benefits". In connection with the above, the Philippine Labour legislation provides for these rights:

(a) The right to maternity leave benefits (Social Security Law as amended, Sect. 14-A);

(b) The right of a woman employee against discrimination on account of pregnancy.

7. Article 135 of the Labour Code reads: "Discrimination prohibited: no employer shall discriminate against any woman with respect to terms and conditions of employment on account of her sex. Equal remuneration shall be paid to both men and women for work of equal value".

8. Article 136 reads: "Stipulation against marriage: it shall be unlawful for an employer to require as a condition of employment or for continuation of employment that a woman employee shall not get married, or to stipulate expressly or tacitly that upon getting married a woman employee shall be deemed resigned or separated, or to actually dismiss, discharge, discriminate or otherwise prejudice a woman employee merely by reason of her marriage".

9. Article 137 of the Labour Code provides as follows: "Prohibited acts: (a) It shall be unlawful for any employer:

1. To deny any woman employee the benefits provided for in this Charter or to discharge any woman employed by him for the purpose of preventing her from enjoying any of the benefits provided under this Code;

2. To discharge such woman on account of her pregnancy, or while on leave or in confinement due to her pregnancy; or

3. To discharge or refuse the admission of such woman upon returning to her work for fear that she may again be pregnant".

10. Article XVI, section 12, of the Philippine Constitution provides that: "The Congress may create a consultative body to advise the President on policies affecting indigenous cultural communities, the majority of the members of which shall come from such communities".

11. In the Philippines, prostitution of women and children are social problems caused by poverty and lack of opportunities to earn a living. To tackle this problem, the Philippine Government has been engaged in skills training for women and children and industrialization to provide more jobs for women. Non-governmental organizations are encouraged to carry out projects that address the problems of women and street children, to provide them shelter and training and remove them from the trade in the streets. Funds for this nationwide project are provided by President Corazon C. Aquino. In addition, pro-poor projects are being initiated by businessmen, such as income-producing and livelihood projects, thus providing women and children other means of earning a living, or alternative sources of revenue. This way basic needs are met and the family's needs are attended to. To be able to provide homes for poor families, especially women and children, the Government is engaged in low-cost housing and establishing relocation sites for squatter families. This will help reduce the number of homeless women and children who are forced to live on the streets.

RWANDA

[Original: French]
[23 March 1990]

A. Application of the conventions on slavery and slavery-like practices

1. Immediately upon gaining its independence in 1962, Rwanda included in its Constitution a provision abolishing slavery and any form of bondage. The same provision has been incorporated in the Rwandese Constitution of 1978, article 17 of which states that "Any form of slavery and bondage is

prohibited". Thus, the Rwandese Constitution is in harmony with the provisions of the conventions on slavery and slavery-like practices, the application of which in Rwanda is part and parcel of respect for human rights.

B. Eradication of the exploitation of child labour, and of debt bondage

1. Child labour

2. As is often the case in developing countries such as Rwanda, many children of poor families are obliged to seek work in order to assist their parents. It is obvious that national legislation prohibiting work by children would only restrict the prospects of such children and indeed of their parents. The Rwandese Labour Code thus retains the possibility of using child labour. However, the Code defines the conditions of work by children and states in this connection, in article 125 for example, that "Children cannot be employed in any enterprise, even as apprentices, before the age of 14 years, unless otherwise provided by the Minister responsible for labour affairs, in the light of special circumstances". It should be noted in this connection that Rwanda has ratified International Labour Convention 138 on Minimum Age, which likewise determines the conditions governing child labour.

2. Debt bondage

3. This phenomenon is unknown in Rwanda.

C. Other contemporary forms of slavery

1. Slavery and the slave trade

4. Regarding slavery, reference may be made to the information furnished in paragraph 1 of this report. Neither does the slave trade exist in Rwanda.

2. Sale of children

5. Rwandese legislation does not expressly condemn the sale of children, this phenomenon being unknown in Rwandese society. However, the Republic remains solidly in support of all those who are fighting to eradicate this scourge, of which numerous children in certain countries of the world are victims. In this context the Rwandese Government signed the international Convention on the Rights of the Child, article 35 of which deals with measures to prevent the abduction of, the sale of or traffic in children. The Rwandese Government anticipates ratifying this Convention in the near future.

3. Child prostitution and child pornography

6. These phenomena are likewise unknown in Rwanda.

4. Prevention of traffic in persons and the exploitation of the prostitution of others

7. The eradication of the exploitation of women, whether or not of full age, is the subject of a number of provisions of the Rwandese Criminal Code, particularly articles 363 to 376. These provisions lay down that offences involving the traffic in and the exploitation of the prostitution of women are punishable by imprisonment and fines.

8. The Rwandese authorities have furthermore taken preventive and curative measures against the traffic in persons and the exploitation of prostitution by establishing workshops known as "Re-education and Production Centres" (CRP). These workshops are intended for the confinement and re-education of vagabonds and beggars. Persons who, during their confinement, have shown clear signs of improved conduct are speedily released.

5. Slavery-like practices of apartheid and colonialism

9. Such practices do not exist in an independent Rwanda, but the Rwandese Government has always condemned any inhumane acts intended to establish or to maintain the domination of one racial group of human beings over any other racial group and systematically to oppress the latter - namely the characteristic features of apartheid and colonialism.

SAUDI ARABIA

[Original: English]
[19 February 1990]

1. On the question of sale of children, of prostitution of children and of the use of children in pornography, no such thing has ever been discovered or reported to the Saudi authorities.

2. On the question of eradication of the exploitation of child labour and of debt bondage, no such affairs have been uncovered by or reported to the Saudi authorities.

3. On the question of prevention of traffic in persons and the exploitation of prostitution of others, the Saudi Arabian legislation is most attentive and firm concerning such crimes in conformity with the status and implementation of the Convention on slavery and slavery-like practices, as well as in conformity of the Islamic doctrine which governs such legislative and punitive matters concerning all such crimes mentioned in the convention referred to in the Secretary-General's communication.

SINGAPORE

[Original: English]
[16 March 1990]

A. Slavery and slavery-like practices

1. These practices are prohibited under Section 10, Part IV of the Constitution of Singapore which states that no person shall be held in slavery and that all forms of forced labour are prohibited, but Parliament may by law provide for compulsory service for national purposes.

B. Prevention of sale of children, child prostitution and child pornography

2. The Children and Young Persons Act provides for the welfare and protection of children. It prohibits trafficking in children, unlawful transfer of possession, custody or control of a child, and importation of child by false pretences; and children under the age of 12 years to take part in public entertainment which is promoted or performed for the profit of the promoter or performer or both.

3. If there is evidence to show that a child or young person is exposed to moral danger, he or she shall be provided with care and protection. Under the Women's Charter, it is an offence to cause or encourage prostitution, or intercourse with, or indecent assault on a girl under 16 years old.

C. Traffic in persons and exploitation of the prostitution of others

4. Offences against women and girls under the Women's Charter, among other things, include:

(i) Obtaining possession of any woman or girl with intent to employ or use her for the purpose of prostitution;

(ii) Bringing into Singapore, receiving or harbouring any woman or girl, knowing that she has been procured for the purpose of prostitution;

(iii) Trafficking in, bringing into or taking out of Singapore, any woman or girl, for the purpose of prostitution; and

(iv) Living on the earnings of the prostitution of another person.

D. Exploitation of child labour and debt bondage

5. The Employment Act governs the employment of children and young persons. Part VIII of the Act provides for the welfare of children and young persons in employment. It provides, among other things, that no child shall be employed, except that a child who has completed his twelfth year may be employed in light work, suited to his capacity in a non-industrial undertaking; and that minimum rates of salary may be prescribed by the Minister for Labour to be paid to children or young persons upon application of the Commissioner for Labour and after inquiry. The Act prohibits the practice of bonding an employee by virtue of any contact of service under the Act, to answer for debt, default or miscarriage of any other person.

E. Slavery-like practices of apartheid and colonization

6. All persons are equal before the law and entitled to the equal protection of the law as stated in the Constitution of the Republic of Singapore. There shall be no discrimination against citizens of Singapore on the ground only of religion, race, descent or place of birth in any law. The matter is under the purview of the Presidential Council for Minority Rights.

TUNISIA

[Original: French]
[5 April 1990]

1. By Act No. 68-30 of 29 December 1968 Tunisia acceded to the International Covenant on Economic, Social and Cultural Rights and to the International Covenant on Civil and Political Rights (published by Decree No. 83-1098 of 21 November 1983). Under the terms of article 8 of the International Covenant on Civil and Political Rights:

"1. No one shall be held in slavery; slavery and the slave trade in all their forms shall be prohibited.

2. No one shall be held in servitude.

3. (a) No one shall be required to perform forced or compulsory labour."

Furthermore, Tunisia in 1962 ratified International Labour Convention No. 29 on Forced Labour and in 1959 Convention No. 105 on the Abolition of Forced Labour.

2. In order to combat the exploitation of children, Tunisian legislation regulates their employment, the protective provisions relating particularly to the age of admission to employment, medical examination to determine fitness for work, night work, apprenticeship and working conditions.

(a) Age of admission to employment

3. The Tunisian Labour Code, promulgated by Act No. 66-27 of 30 April 1966, fixes the minimum age of admission to employment at 15 years in industrial establishments (art. 53). However, children aged less than 15 years may be employed in establishments where the labour force consists exclusively of members of the family under the authority of the father, mother or guardian, provided that the nature of the work or the conditions in which it is performed present no danger to the life, health or morals of the children concerned (art. 54).

4. In agricultural enterprises and activities the age of admission to employment is lowered to 13 years for work not harmful to the health or the normal development of children and provided that school attendance is not thereby affected (art. 55).

5. In the non-agricultural and non-industrial sectors, children aged 13 years may be employed on light work for a maximum duration of two hours in the case of children aged less than 14 and four and a half hours in the case of children aged 14 to 15 years, provided that the work in question is not harmful to their health or their normal development and is not such as to prejudice their diligence at school.

6. It is furthermore forbidden to employ children aged less than 18 years on underground work or at establishments and worksites engaged in the recovery, conversion or storage of scrap metal (arts. 77 and 78) or in continuous-process activities, this provision being applicable to paid public holidays even in respect of workshop cleaning-up operations (arts. 109 and 111). In this connection, Tunisia in 1970 ratified International Labour Convention No. 59 on Minimum Age (Industry) (revised).

(b) Medical examination to determine fitness for work

7. Under article 61 of the Labour Code, "children and adolescents under the age of 18 may not be recruited for non-agricultural work unless they have been declared fit for the work upon which they will be engaged following an X-ray examination". Article 62 adds: "The fitness of children and adolescents for their work is to be periodically checked until the age of 18 years. A child or adolescent may not be retained in employment unless the medical examination is repeated at intervals of not more than six months".

8. However, "in the case of work representing a serious health hazard, the medical examination to establish fitness for work and its periodical repetitions will continue until the age of 20 at least" (art. 63 of the Labour Code). This article also makes provision for determination, on the basis of an Order by the Minister of Social Affairs, of the work or categories of work for which the medical examination to establish fitness for employment is required until the age of 20.

9. "The inspectorate of labour may at any time request from the medical inspectorate of labour an examination of all children of less than 18 years admitted to employment, in order to confirm whether the work upon which they are engaged is beyond their strength. If such is the case, the inspectorate of labour is empowered to require that the child concerned should cease working in the enterprise in question" (art. 60 of the Labour Code). Where the work performed by children of 13 to 16 years of age is beyond their strength or if they are affected by a manifest illness or infirmity, the labour inspector has the right to demand their removal from such work (art. 374).

10. In this connection, it may be mentioned that Tunisia in 1970 ratified International Labour Convention No. 77 on Medical Examination of Young Persons (Industry) and in 1967 Convention No. 124 on Medical Examination of Young Persons (Underground Work).

(c) Night work by children

11. The regulation of night work by children in the non-agricultural sector is largely based on the provisions of International Labour Convention No. 90 on Night Work of Young Persons (Industry) (revised), ratified in 1961. The regulation in question is founded on the principle of prohibition of night work by children. Thus, under article 65 of the Labour Code "children aged less than 14 years may not be called upon to work during a period of at least 14 consecutive hours comprising the time between 8 p.m. and 8 a.m.". Also, children aged more than over 14 and less than 18 years may not be employed at night during a period of at least 12 consecutive hours comprising the time between 10 p.m. and 6 a.m. (art. 66).

12. In agricultural work, children aged less than 18 years must be allowed a period of night rest comprising not less than (a) 12 consecutive hours in the case of children of less than 16 years and (b) 10 consecutive hours in the case of children aged between 16 and 18 years, provided that a compensatory rest period is granted to them during the day. Children aged less than 18 years may not be employed on any work between 10 p.m. and 5 a.m. (art. 74).

(d) Apprenticeship

13. In order to protect children against exploitation and immoral practices, the Labour Code fixes the age of admission to apprenticeship at between 14 and 18 years and prohibits any person aged less than 20 years from engaging an apprentice of less than full age (art. 346). Similarly, "no master-employer, if he is unmarried, widowed or separated from his spouse, may house under his roof young persons of less than full age as apprentices" (art. 347).

14. Likewise with the protection of apprentices in mind, article 348 of the Labour Code lists the persons barred from engaging apprentices, including in particular: (a) persons who have been convicted of a crime; (b) persons who have been convicted of an immoral offence; and (c) persons who have been convicted of taking abusive advantage of the needs, weaknesses or instincts of minors or of their inexperience and unsteadfastness, or who have been convicted of any other act punishable under article 301 of the Penal Code.

(e) Working conditions

(i) Carrying of weights

15. In order to protect the health of young workers and take account of their physical strength, the Order of 5 May 1988 by the Minister of Social Affairs fixing the maximum weight which may be carried by a single worker and based on International Labour Convention No. 127 on Maximum Weight, ratified in 1970, lays down for juvenile workers maximum weights less than those permitted for adults and governs the means of transport used. This Order forbids persons of less than 18 years to transport loads by hand trolleys or trucks.

(ii) Safeguarding of morals

16. In agricultural and non-agricultural enterprises employing children aged less than 18 years, employers are under an obligation to ensure the maintenance of good moral standards and the observance of public decency (arts. 86 and 372 of the Labour Code).

(iii) Payment of young workers

17. In accordance with the decrees fixing the guaranteed minimum inter-professional wage in the non-agricultural sectors, young workers aged less than 18 years may in no case receive a wage of less than 85 per cent of that received by adults.

(iv) Annual holiday with pay

18. Article 113 of the Labour Code grants to wage-earners the right to an annual holiday with pay as follows: (a) for wage-earners aged over 21 years: one day per month with a maximum of 15 days comprising 12 working days; (b) for wage-earners aged between 18 and 21 years: one and a half days per month with a maximum of 22 days comprising 18 working days; and (c) for children of less than 18 years: two days per month with a maximum of 30 days comprising 24 working days.

Supervision of application of the legislation relating to child labour

19. Under article 170 of the Labour Code, labour inspectors supervise the application of the legal, regulatory or contractual provisions which govern working relations or which ensue therefrom, in all spheres of economic activity subject to normal labour legislation. Similarly, medical labour inspectors responsible for the medical aspects of labour inspection supervise, in co-operation with the general labour inspectorate, the application of legislation governing labour hygiene and the protection of workers' health

(arts. 289 and 291 of the Labour Code). Under article 178 of the Code, the police and National Guard authorities retain their functions and mutually co-operate in investigating and punishing infringements of the labour legislation.

URUGUAY

[Original: Spanish]
[8 March 1990]

1. The Uruguayan Government has forwarded to Parliament a message and a draft law for securing approval of the 1926 Slavery Convention and the 1956 Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices similar to Slavery. As a result of the change of Government in Uruguay, the executive authorities considered it appropriate to repeat the request for special treatment to be given to the draft law in question.

2. The Working Group established by the Government to advise the latter on the advisability for Uruguay of acceding to the Convention on Prevention of Traffic in Persons and the Exploitation of the Prostitution of Others was of the opinion that it would be appropriate for Uruguay to have available more effective and more modern instruments for combating this scourge. In this connection the appropriate démarches have been instituted in order to secure the relevant legislative authorization.

3. Regarding the problem of the sale of children and child prostitution and child pornography, and also of exploitation of child labour, our Government wishes to express its deep concern at the facts emerging from the report of the Sub-Commission's Working Group. The domestic legislation of Uruguay and particularly the work performed by the technical departments of the National Institute of the Minor mean that the greatest possible efforts are being made to avoid the occurrence of any situation resembling those mentioned. It should also be pointed out that the protection of the minor afforded by our labour legislation meets his requirements in the most generous terms.

III. Information received from United Nations organs

CENTRE FOR SOCIAL DEVELOPMENT AND HUMANITARIAN AFFAIRS

[Original: English]
[20 March 1990]

The practice of child labour and debt bondage has been a matter of concern to our activities and the problem is being addressed within the framework of Topic IV of the Eighth United Nations Congress on the prevention of crime and the treatment of offenders to be held in Havana from 27 August to 7 September 1990, on "Prevention of delinquency, juvenile justice and the protection of the young: Policy approaches and directions". The Eight Congress is expected to examine innovative and effective policy options on behalf of children and youth, in view of a clear need for action-oriented strategies to promote a more effective response on the part of juvenile justice systems and the machinery of justice as a whole and at all levels. We would appreciate being kept informed about future developments so as to take into account the results of the Working Group on Contemporary Forms of Slavery in preparation of a working paper for the Eighth Congress.

UNITED NATIONS FUND FOR POPULATION ACTIVITIES

[Original: English]
[6 March 1990]

Since UNFPA's mandate does not include any of the areas mentioned in the work programme for 1990 and 1991, the Fund has no further information to contribute to the Working Group.

UNITED NATIONS UNIVERSITY

[Original: English]
[6 March 1990]

The United Nations University has not so far done any research related to slavery and has not therefore any pertinent information to share with the Working Group on this matter.

IV. Information received from specialized agencies

UNITED NATIONS EDUCATIONAL, SCIENTIFIC AND CULTURAL ORGANIZATION

[Original: English]
[14 March 1990]

The theme to be discussed in 1990 "Eradication of the exploitation of child labour and of the debt bondage" is relevant to UNESCO's research programme related to human rights, especially to the right to education and more generally to the rights of the child. However, we have not yet introduced a specific programme concerning this subject, but are considering undertaking a research project within the framework of the next biennium.

V. Information received from intergovernmental organizations

INTER-AMERICAN COMMISSION ON HUMAN RIGHTS

[Original: English]
[27 February 1990]

While the Inter-American Commission on Human Rights has issued no reports on matters relating to child labour and debt bondage, it should be noted that the American Convention on Human Rights bans detention for reasons of debt.

INTERNATIONAL CRIMINAL POLICE ORGANIZATION (INTERPOL)

[Original: English]
[12 March 1990]

1. With regard to the items in the programme of work for 1990, please be advised that the main theme of the session, "Exploitation of child labour" has not been the subject of any exchange of police information through the Interpol General Secretariat in recent years.

2. In connection with the programme item entitled "Slavery and the slave trade", we are now awaiting replies to the circular-letter on slavery and similar practices which, as in previous years, we sent out to our National Central Bureaux in January. You will recall that the questionnaire which forms part of this circular-letter was formulated by us jointly with the United Nations Division of Human Rights at the time the Working Group on Slavery was created. Although most of the answers we have received so far for 1989 are negative, we shall be sending you a report towards the end of April 1990 when our date-limit for replies will have expired.

3. As regards the sale of children, child prostitution and child pornography, very few cases have been reported to the General Secretariat in the recent past. No assessment can be made from such sparse information.

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Sub-Commission on Prevention of
Discrimination and Protection
of Minorities
Working Group on Contemporary
Forms of Slavery
Fifteenth session, 30 July-3 August 1990
Items 4 and 5 of the provisional agenda

ERADICATION OF THE EXPLOITATION OF CHILD LABOUR AND OF DEBT BONDAGE

REVIEW OF DEVELOPMENTS IN OTHER FIELDS OF CONTEMPORARY FORMS OF SLAVERY

Information submitted by Governments, United Nations organs, specialized agencies and intergovernmental organizations

Note by the Secretary-General

Addendum

The present document contains information submitted by the Government of Portugal.

PORTUGAL

[22 May 1990]
[Original: French]

1. Article 60 (2) of the Constitution stipulates that it is the duty of the State to provide special protection for children as regards working conditions.

2. Such protection applies, on the one hand, to access to employment and, on the other, to conditions for exercising employment, a dual focus that has been reaffirmed by the recent amendment to article 70 (1) of the Constitution: "Young people are entitled to special protection for the realization of their economic, social and cultural rights, particularly as regards access to their first job and employment ...".

3. This actually represents an expression of the desire to protect children from economic and social exploitation as reflected in article 10 (3) of the International Covenant on Economic, Social and Cultural Rights, which is covered by Portugal's reports to the Committee on Economic, Social and Cultural Rights.

4. This right is also recognized by article 32 of the Convention on the Rights of the Child, a legal instrument in whose preparation Portugal took an active part and to which it attaches the highest importance.

5. In Portugal, Decree-Law No. 494/08 of 24 November 1969 continues to be the basic instrument relating to working conditions. Under article 121, entities that employ minors must provide them with working conditions suited to their age, in particular to safeguard them against any acts that are harmful to their physical, spiritual or moral development.

6. Depending on his means, the employer is required to provide education and vocational training for minors and to co-operate with measures carried out by the State for the same purpose.

7. Article 123 of this instrument stipulates that the minimum age of employment is 14. In addition, activities that might prejudice the physical, spiritual or moral development of minors are subject to special conditions or even prohibited; lists, some of which were drawn up as long ago as the 1920s, stipulate which activities may not be performed by minors.

8. In addition, minors under the age of 16 may not perform night work in industrial establishments and, as far as non-industrial activities are concerned, minors may only perform night work if it is essential for their vocational training.

9. Between the ages of 16 and 18, minors may only perform night work in industrial establishments in exceptional circumstances which prevent the employer from carrying out his activity under normal conditions or if it is necessary for their vocational training (Decree-Law No. 490/71 of 27 September).

10. Lastly, overtime work by minors requires prior authorization which is granted only if such work is indispensable in order to carry out the

activities concerned by the employers' application and, first and foremost, provided that it does not jeopardize the minors' schooling (Decree-Law No. 409/71 of 27 September).

11. Under current legislation, normal working hours are determined by collective agreements, which stipulate the maximum working time for workers under 18 years of age.

12. The arrangements covering social security, industrial accidents, occupational diseases and holidays are identical to those in force for adults.

13. This outline gives an idea of the legal provisions governing work by minors in Portugal. Mention should also be made of the penalties that apply if these provisions are breached. They mostly take the form of fines, which have recently been increased by Decree-Law No. 268/88 of 12 August, in the case of failure to observe the minimum working age.

14. In the same sphere, we shall now turn to the situation regarding the exploitation of child labour in Portugal, a phenomenon which has been exposed by the Portuguese and foreign media and which was referred to during the most recent session of the Sub-Commission on Prevention of Discrimination and Protection of Minorities.

15. Portugal is endeavouring to tackle this problem realistically and resolutely. As was stated by the Portuguese delegation to the Commission on Human Rights, it is a phenomenon which, although restricted to some regions in the north of the country, deeply offends the sensitivities of the Portuguese people.

16. This preoccupation is reflected by the widespread public concern about the issue and the attention devoted to it by employers' and trade-union organizations and by local authorities.

17. In June 1989, the Social Co-ordination Council (a consultative body whose purpose is to promote dialogue and co-operation, composed of representatives of the Government, employers, labour and local authorities) examined this specific issue and adopted a document whose conclusions are enormously important.

18. The document states that intense public criticism has helped to bring about a collective awareness and general disapproval of this practice, which has recently worsened (75 per cent of the cases identified by the Labour Inspectorate in the course of its 14 years of operation have been detected in the last four years).

19. The pressure exerted by society in conjunction with simultaneous control measures by the courts and the General Labour Inspectorate have been highly influential in combating this phenomenon.

20. Among the causes of child labour, which is most prevalent in the footwear and clothing industries, the document produced by the Social Co-ordination

Council identifies cultural circumstances, such as a tradition of family work and the lack of alternative employment in the region; educational circumstances, with failure at school playing a decisive role; economic circumstances, which lead to children being employed at lower rates or in simpler tasks that do not require skilled workers; and, lastly, social circumstances - in short, poverty.

21. The phenomenon is thus fairly complicated and efforts to prevent it depend on the adoption of measures whose nature and scope differ, and which include cultural, social and economic development.

22. The document proposes a number of legislative measures, in particular ratification of International Labour Organisation Convention No. 138, shortly to be implemented; amendment of legislation on the legal régime applicable to the individual contract of employment, including the rules and regulations governing industrial hygiene and safety in respect of minors; and updating of the penalties that apply to breaches of these provisions.

23. As far as economic and social factors are concerned, it will be necessary to take into account the clandestine nature of child labour and the measure of complicity that exists between the employer and the families of child workers, who want the child to learn a trade and swell the family's monthly income.

24. In this area there are often clear shortcomings: the measures taken by the social security department are not always adequate. These circumstances require the adoption of measures to promote greater self-reliance, based on improved employment opportunities and a heightened sense of personal responsibility, in order to enhance social and political participation, improve living conditions and achieve greater integration into society.

25. Education and vocational training are of fundamental importance, for there is undoubtedly a link between child labour and the failure at school of those who drop out or who do not complete their compulsory education i.e., under the 1986 Educational System Act, 9 years of study or study up to the age of 15.

26. Accordingly, the Government has introduced a Programme to Improve School Performance, prepared in conjunction with several State departments at the national and regional levels, which will also help to prevent children of school age, i.e., up to 15, from going out to work.

27. Among these measures, mention should be made of those adopted at the community level to develop awareness and motivate families, and which focus on training and apprenticeship for children, particularly in the spheres of work, the struggle against alcoholism and truancy.

28. In addition, a programme to introduce children to the working world has been implemented in order to allow pupils to come into contact with a profession highlighting the need to review the subjects covered by school curricula and preparing them more carefully for their future job.

29. These measures all illustrate the importance Portugal attaches to achieving co-operation among all the forces comprising society in order to implement them, a requirement that is of far greater importance than merely presenting new programmes or projects that fail to attack the root causes of the problems encountered.

30. In this spirit, article 74 (4) of the recent Constitutional Amendment Act stipulates that "employment of school-age children is prohibited by law".